

Clarke, Modet & C^o

COLOMBIA

SEÑORES
DIVISIÓN DE NUEVAS CREACIONES
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
E. S. D.

REF: EXPEDIENTE NR.: 0509447
SOLICITANTE: WYETH y PRESIDENT AND FELLOWS OF
HARVARD COLLEGE
FECHA DE LA SOLICITUD: FEBRERO 3, 2005
TITULO: MÉTODOS Y CMPOSICIONE SPARA MODULAR EL
DESARROLLO Y LA FUNCIÓN DE LAS CÉLULAS T HELPER
(TH)

ASUNTO: PRESENTACIÓN IPER

- DILIA RODRIGUEZ D'ALEMAN, en mi condición de apoderada de la sociedad solicitante, por el presente escrito me permito allegar el reporte del IPER que no fue presentado con nuestro memorial de Julio 5 de 2005, ya que el solicitante no había recibido dicho documento aún..

Ruego a usted continuar con el presente trámite.

Señor Jefe


DILIA RODRIGUEZ D'ALEMAN
LCD/srr
P. 608

PATENT COOPERATION TREATY

01997.043600.PC

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
IVOR R. ELRFI
MINTZ, LEVIN, COHEN, FERRIS, GLOVEKY AND POPKO,
PC
ONE FINANCIAL CENTER
BOSTON, MA 02111

PCT

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.3)

Date of Mailing
(day/month/year) **09 FEB 2006**

Applicant's or agent's file reference

22058-SKSPRO

IMPORTANT NOTIFICATION

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US03/21975

15 July 2003 (15.07.2003)

15 July 2002 (15.07.2002)

Applicant

WYETH

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

- Done By *MAC*
- ☐ Data Entry
☐ Document Entry
☐ Document Check Off
☐ Previously Entered
☒ No Docketing Fee

RECEIVED

FEB 13 2006

MINTZ LEVIN, BOSTO.
PATENT DOCKET DEP

Name and mailing address of the IPPEA/US
Mail Stop PCT, Attn: IPPEA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (571) 273-3201

Form PCT/IPPEA/416 (July 1992)

☐ ECLIPSE
☐ Annulment

Telephone No.

Patricia Bell Harris
for
(571) 222-1600

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 22058-385PRC		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IEA/416)	
International application No. PCT/US03/21975	International filing date (day/month/year) 15 July 2003 (15.07.2003)	Priority date (day/month/year) 15 July 2002 (15.07.2002)	
International Patent Classification (IPC) or national classification and IPC IPC7: A61K 4500 and US Cl: 42485.1			
Applicant WYETH			
1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of <u>2</u> sheets, including this cover sheet. ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>---</u> sheets. 3. This report contains indications relating to the following items: I ☒ Basis of the report II ☐ Priority III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability IV ☐ Lack of unity of invention V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI ☐ Certain documents cited VII ☐ Certain defects in the international application VIII ☐ Certain observations on the international application			
Date of submission of the demand 14 February 2004 (19.02.2004)		Date of completion of this report 20 January 2006 (20.01.2006)	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Comptroller for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (371) 273-3201		Authorized officer Valerie Bell-Harris Branch G Examiner Telephone No. (571) 272-1600	

Form PCT/IEA/409 (cover sheet) (July 1998)

I. Basis of the report

1. With regard to the elements of the international application:^{*}

- ☒ the international application as originally filed.
- ☒ the description:
 pages 1-48 _____ as originally filed
 pages NONE _____, filed with the demand
 pages NONE _____, filed with the letter of _____
- ☒ the claims:
 pages 48-52 _____, as originally filed
 pages NONE _____, as amended (together with any statement) under Article 19
 pages NONE _____, filed with the demand
 pages NONE _____, filed with the letter of _____
- ☒ the drawings:
 pages 1-3 _____, as originally filed
 pages NONE _____, filed with the demand
 pages NONE _____, filed with the letter of _____
- ☒ the sequence listing part of the description:
 pages 1-7 _____, as originally filed
 pages NONE _____, filed with the demand
 pages NONE _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☒ contained in the international application in printed form.
- ☒ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheet(s) NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(e)).^{**}^{*} Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).^{**} Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US83/21975

V. Reasoned statement under Rule 66.2(a)(II) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims NONE _____	YES
	Claims 1-23 _____	NO
Inventive Step (IS)	Claims NONE _____	YES
	Claims 1-23 _____	NO
Industrial Applicability (IA)	Claims 1-23 _____	YES
	Claims NONE _____	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-23 lack novelty under PCT Article 33(2) as being anticipated by Novak et al. Novak et al disclose an isolated polypeptide that shares 100% to the polypeptide of SEQ ID NO: 2 recited in the instant claims. Novak et al also disclose that their polypeptide is involved in inhibition of specialized cells such as T cells, (see column 33, lines 8-17, and column 64, lines 25-32). The instant claims are drawn to a method of inhibiting interferon gamma levels by contacting T cells with the polypeptide of SEQ ID NO-2. Therefore, the Novak et al reference anticipates instant claims 1-23.

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NOTE OF INFORMAL COMMUNICATION WITH THE APPLICANT

(PCT Rule 66.6)

International application No. PCT/US93/21975	Applicant's or agent's file reference 22058-085PRO	Date of informal communication (Month/year) 26 January 2006 (26.01.2006)
Applicant WYETH		

Communication ☒ by telephone ☐ personal	Participants ☒ Applicant: WYETH ☒ Agent: Joseph P. Fiorini ☒ Examiner(s): Paula Howard	☒ Identity checked ☐ Authorization checked ☐ Personally known
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Summary of communication:

Applicant's attorney Mr. Joseph P. Fiorini was contacted on 26 January 2006. Mr. Fiorini has agreed to receive the international preliminary examination report (409), instead of the written opinion (408), even though there is an X reference.

☐ An extension of time limit is granted (Form PCT/HPA/427).

☒ A copy of this note is being sent to the applicant with Form PCT/HPA/429.

PCT/HPA/424.

Name and mailing address of the HPB/US Mail Stop PCT, Attn: HPB/US Communications for Patents P.O. Box 1400 Alexandria, Virginia 22315-1400 Facsimile No. (571) 273-3201 Form PCT/HPA/428 (July 1993)	Authorized officer <i>Valerie Bell-Hannigan</i> Paula Howard Telephone No. (703) 301-... (571) 272-1600
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REPUBLICA DE COLOMBIA
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

Folio 203

2020
Bogotá D.C.,

Doctor(a)
RODRIGUEZ D'ALEMAN DILIA MARIA
Apoderado(a) y/o Representante de
WYETH
PRESIDENT AND FELLOWS OF HARVARD COLLEGE

REFERENCIA	Radicación No.	05 9447
	Solicitud internacional	PCT/US2003/021975
	Fecha inicio fase nacional	15/02/2005
	Trámite	11
	Evento	379
	Actuación	416
	Oficio No.	886
	Folios	1

Teniendo en cuenta que la solicitud de privilegio de patente que se tramita bajo el expediente indicado en la referencia, reúne los requisitos de forma establecidos en la Decisión 486 de la Comisión de la Comunidad Andina, el Tratado de Cooperación en Materia de Patentes (PCT), el Reglamento y la Circular Única de la Superintendencia de Industria y Comercio, se envía el extracto de la solicitud a la Oficina de Comunicaciones para efecto de su publicación en la Gaceta de Propiedad Industrial.

Cúmplase
Dado en Bogotá DC,

10 JUL 2006

ALIX CARMENZA CESPEDES DE VERGEL
Jefe de la división de Nuevas Creaciones

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