

ESCOBAR - URIBE ASOCIADOS

A B O G A D O S

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105

2806/PCT

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO DIVISION DE NUEVAS CREACIONES

E. S. D.

Ref.: Expediente No. 05.027.999
Solicitud de Patente a nombre de
NOVARTIS AG

SUPERINDUSTRIA Y COMERCIO
Expediente: 05.027.999 05.027.999
Fecha: 2005-05-27 15:14:00
Folios: 19
Tipo: Solicitud de Patente
Dependencia: 0520 DIVISION DE NUEVAS CREACIONES

Yo, JIMENA ESCOBAR URIBE, identificada como aparece al pie de mi firma, domiciliada en la carrera 11 A No. 94-76, of. 305, obrando como apoderada de la sociedad Novartis AG, domiciliada en Basilea, Suiza, solicitante de la patente de la referencia, en respuesta al oficio No. 12889 del 27 de mayo de 2005, me permito presentar.

1. Reporte del examen preliminar internacional junto con su traducción al español.
2. Documentos (4) en que constan la cesión del derecho a la patente otorgado por los inventores a favor de mi mandante.

Al respecto, es importante aclarar que las cesiones presentadas con este memorial fueron otorgadas también por los inventores de la prioridad que se reivindica y por el inventor de esta solicitud el señor Gregory, Raymond Bebernitz.

Sobre el particular, es importante resaltar que de conformidad con las normas legales vigentes, artículo 1 de la Resolución 210 de 2001, expedida por el Superintendente de Industria y Comercio y artículo 2 de la Convención de la Haya, el documento en inglés que se pretenda aportar como parte de los trámites de propiedad industrial ante la Superintendencia de Industria y Comercio no requieren traducción. Por otro lado, la legalización consular y/o diplomática de los documentos expedidos en el extranjero no es necesaria. Por lo tanto, los documentos de cesión anexos a este memorial son válidamente presentados en idioma inglés y con la correspondiente Apostilla.

Espero con esto haber dado cabal cumplimiento a lo solicitado por ese despacho y de conformidad con lo indicado en los artículos 3º, inciso 3, 35 inciso 2 y 59 inciso 2 del CCA, al analizar este memorial, atentamente ruego se traten todas las cuestiones planteadas con motivo del mismo.

Señor Superintendente,



JIMENA ESCOBAR URIBE

C.C.39.779.452 de Usaquén

T.P. 68228

Cód. 5376

PATENT COOPERATION TREATY

PCT

REC'D 20 JUL 2004

WIPO

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

(Rationalised Report according to the Notice of the President of the EPO published in the OJ11/2001)

Applicant's or agent's file reference 4 -32711A/UBN	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/ISPA/416)	
International application No. PCT/EP03/10977	International filing date (day/month/year) 02/10/2003	Priority date (day/month/year) 03/10/2002
International Patent Classification (IPC) or national classification and IPC C07D277/46		
Applicant NOVARTIS AG et al.		

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 2 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 consists of a total of _____ sheets.

3. This report contains indications relating to the following items:

I ☒ Basis of the report

II ☐ Priority

III ☒ Non-establishment of opinion 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

EPO - DG 1

27. 08. 2004

(37)

Date of submission of the demand 29/03/2004	Date of completion of this report 14/07/2004
Name and mailing address of the IPEA/  European Patent Office D-80298 Munich Tel. (+49-89) 2399-0, Telex 523636 eppo d Fax (+49-89) 2399-4465	Authorized officer GILLIE B R Tel. (+49-89) 2399 2828

Form PCT/ISPA/409 (cover sheet) P20476 (October 2002)



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**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP03/10977

I. Basis of the report

The basis of this international preliminary examination is the application as originally filed.

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

If all the additional search fees, which the applicant has been invited to pay, have not been paid, then all the inventions or groups of inventions corresponding to the unpaid fees will not have been searched. This means that the question of whether the claimed invention appears to be novel, to involve an inventive step, or to be industrially applicable has not been the subject of the international preliminary examination in respect of the claims corresponding to these inventions or groups of inventions (Article 17(3)(a) and Rule 66.1(e) PCT; see also international search report).

IV. Lack of unity of invention

The objection as to lack of unity raised in the international search report is maintained. The reasons for the objection are the same as those indicated in the international search report.

V. Reasoned statement under Rule 66.2(a)(II) with regard to novelty, inventive step or industrial applicability

To the extent that the international preliminary examination has been carried out (see item III above), the following is pointed out:

In light of the documents cited in the international search report, it is considered that the invention as defined in the independent claims, which have been the subject of an international search report, meets the criteria mentioned in Article 33(1) PCT, i.e. appears to be novel, to involve an inventive step and to be industrially applicable.

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TRATADO DE COOPERACION EN MATERIA DE PATENTES
PCT

INF RME EXAMEN PRELIMINAR INTERNACIONAL
(PCT artículo 36 y regla 70)

(Reporte Racionalizado de acuerdo con la Notificación del Presidente de la OPE publicada en el Documento OJ11/2001)

Referencia del solicitante o agente 4 -32711A/USN	PARA PROSEGUIR Ver notificación de la transmisión del examen preliminar Internacional (formato PCT/IPEA/416)	
No. Solicitud Internacional PCT/EP03/10977	Fecha de presentación internacional (día/mes/año) 02/10/2003	Fecha de prioridad (día/mes/año) 03/10/2002
Clasificación Internacional de Patentes (IPC) o clasificación nacional e IPC CO7D277/46		
Solicitante NOVARTIS AG et al.		

1. Este examen preliminar internacional ha sido preparado por esta Autoridad encargada del Examen Preliminar Internacional y es transmitida al solicitante de acuerdo con el artículo 36. 2. Este INFORME consiste de un total de 2 páginas, incluyendo esta hoja. ___ Este informe también está acompañado por ANEXOS, esto es hojas de la descripción, reivindicaciones y/o dibujos, los cuales han sido modificados y son la base para este informe y/o hojas que contienen rectificaciones presentadas ante esta Autoridad (ver Regla 70.16 y Sección 607 de las Instrucciones Administrativas bajo el PCT). Estos anexos consisten en un total de ___ hojas.
3. Este informe contiene indicaciones que se relacionan con los siguientes puntos: I. <u> X </u> Base del Informe II. ___ Prioridad III. <u> X </u> El no-establecimiento de opinión en relación con la novedad, nivel inventivo y aplicación industrial IV. <u> X </u> Falta de unidad de invención V. <u> X </u> Declaración motivada bajo el Art. 35(2) con relación a la novedad, nivel inventivo o aplicación industrial; citaciones y explicaciones que soportan dicha declaración VI. ___ Ciertos documentos citados VII. ___ Ciertos defectos en la solicitud internacional VIII. ___ Ciertas observaciones en la solicitud internacional

Fecha de presentación de la demanda 29/03/2004	Fecha en que se completó este informe 14/07/2004
Nombre y dirección de la autoridad encargada del examen preliminar internacional: Oficina de Patentes Europea D-80298 Munich Tel. (+49-89) 2399 – 0 Tx: 523656 epmu d Fax: (+49-89) 2399-4465	Oficial autorizado GELLIE B R Teléfono: (+49-89) 2399-2828

**INFORME DEL EXAMEN
PRELIMINAR INTERNACIONAL**

Solicitud internacional No. PCT/EP03/10977 \

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I. Base del Informe

La base de este informe del examen preliminar internacional es la solicitud como fue presentada originalmente.

III. El no-establecimiento de opinión en relación con la novedad, nivel inventivo y aplicación Industrial

La pregunta de si la presente de invención reivindicada aparenta ser novedosa, si tiene altura inventiva, o es aplicable industrialmente no ha sido objeto del examen preliminar internacional en relación con las reivindicaciones que no han sido buscadas (Art. 17(2) (a) o (3) y Regla 86.1 (e) PCT); ver también el informe de búsqueda internacional).

IV. Falta de unidad de invención

La objeción de falta de unidad de invención echa en el reporte de búsqueda internacional se mantiene. Las razones para la objeción son las mismas del reporte internacional.

V. Declaración motivada bajo la Regla 86.2 (a) (II) con relación a la novedad, nivel inventivo o aplicación Industrial

Si se llevare a cabo el examen preliminar internacional (ver el ítem III mencionado anteriormente), se señala lo siguiente:

A la luz de los documentos citados en el informe de búsqueda internacional, se considera que la invención como está definida en por lo menos algunas de las reivindicaciones, las cuales han sido materia del informe de búsqueda internacional, no aparentan cumplir con los criterios mencionados en el Artículo 33 (1) PCT, esto es, no aparenta ser novedosa y/o tener nivel inventivo (ver informe de búsqueda internacional, en especial los documentos citados con X y/o Y, y las referencias de las reivindicaciones correspondientes).

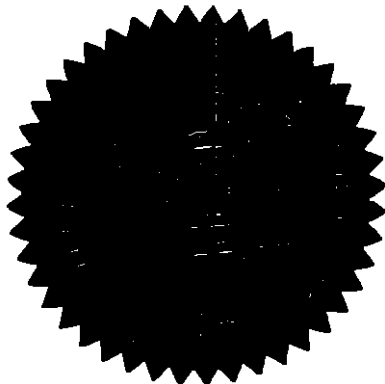
APOSTILLE

(CONVENTION DE LA HAYE DU 5 OCTOBRE 1961)

1. COUNTRY: UNITED STATES OF AMERICA
2. THIS PUBLIC DOCUMENT HAS BEEN SIGNED BY:
MAUREEN C MCGEE
3. ACTING IN THE CAPACITY OF:
NOTARY PUBLIC OF NEW JERSEY
4. BEARS THE SEAL/STAMP OF:
MAUREEN C MCGEE, NOTARY

CERTIFIED

5. AT TRENTON, NEW JERSEY
6. THE 29TH DAY OF JUNE 2005
7. BY: John E McCormac, CPA, NEW JERSEY TREASURER
8. NO. A231149
9. SEAL/STAMP:
10. SIGNATURE



Handwritten signature of John E McCormac.

Assignment of Priority Rights

I / We, the undersigned

Gregory Raymond BEBERNITZ, 24 Lanes End, Stow, MA 01775, USA, citizen of USA
Gary Mark COPPOLA, 18 Aldersgate Circle, Budd Lake, NJ 07828, USA, citizen of USA
Edwin Bernard VILLHAUER, 20 Dorothy Drive, Morristown, NJ 07960, USA, citizen of USA

assign to Novartis AG, a body corporate organized according to the laws of Switzerland, of
Lichtstrasse 35, 4056 Basel, Switzerland, the right of priority

for Colombia

in respect of the invention disclosed and claimed in my (our) patent application(s)
hereinafter identified, and in consequence thereof, authorize Novartis AG to file

in Colombia

in its name a patent application corresponding to my (our) patent application(s) filed

in USA

on October 3, 2002 under No. 60/415860

while claiming the priority of my (our) above named patent application(s) in conformity with
the dispositions of the International Convention.

dated with effect from May 3, 2005

Gregory Raymond BEBERNITZ

Gary Mark COPPOLA

(Edwin Bernard Villhauer)

Edwin Bernard VILLHAUER

112

STATE OF NEW JERSEY)

)ss:

COUNTY OF MORRIS)

Before me, on this 2nd day of June, 2005, personally appeared, **EDWIN BERNARD VILLHAUER**, known to me and known to be the person(s) named in the attached document, duly signed and executed the same.

Sworn and subscribed to
before me this 2nd
day of June, 2005

Maureen C. McGee
Notary.



Seal

The Commonwealth of Massachusetts

William Francis Galvin
Secretary of the Commonwealth

113

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. **Country:** United States of America

This public document

2. **has been signed by:** Ellen E. Howell

3. **acting in the capacity of:** Notary Public

4. **bears the seal/stamp of:** the State of Massachusetts

whose commission expires on: October 25, 2007

Certified

5. **at:** Boston, Massachusetts

6. **the:** 20 June, 2005

7. **by:** the Secretary of the Commonwealth

8. **No.:** 1076351

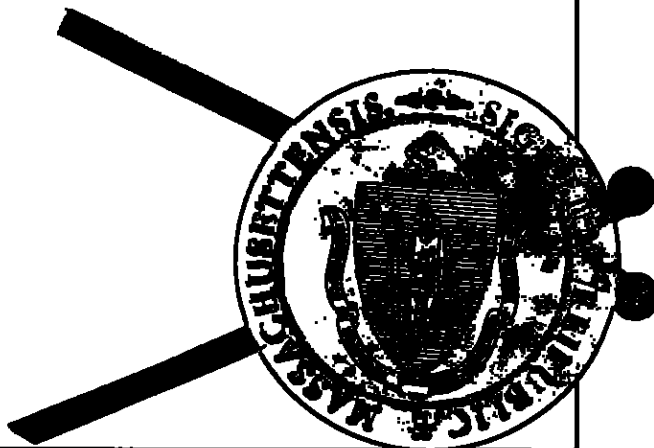
9. **Seal/stamp:**

Great Seal of the Commonwealth

10. **Signature:**



William Francis Galvin
Secretary of the Commonwealth



114 15 224

**DOCUMENTO DE CESIÓN
ASSIGNMENT DOCUMENT**

El (los) suscrito (s), en su calidad de Inventor (es) de
" (Tiazol-2-yl) - amida o sulfamida substituida
como activadores de glicocinasa utiles en el
tratamiento de diabetes de tipo 2,
declara (an) que cede (n) y traspasa (n) todos los derechos que les correspondan en y sobre el
invento atrás mencionado a NOVARTIS AG, una compañía suiza constituida y existente bajo las
leyes de Suiza, domiciliada en CH-4002 Basilea, Suiza, en cuanto se refiere a la República de
Colombia.

The undersigned, as inventor (s) of

**SUBSTITUTED (HIAZOL-2YL) -AMIDE OR SULFONAMIDE AS GLYCOKINASE ACTIVATORS USEFUL
IN THE TREATMENT OF TYPE 2 DIABETES**

hereby declare (s) that assign (s) all the rights in and to the aforementioned invention to
NOVARTIS AG, a Swiss company incorporated and existing in conformity with the laws of
Switzerland, domicled at CH-4002 Basel, Switzerland, as far as the Republic of Colombia is
concerned.



Gregory Raymond BEBERNITZ
domicled at
24 Lanes End, Stow, MA 01775, USA

FIRMA DEL CEDENTE
domiciliado en

11.5 #

COMMONWEALTH OF MASSACHUSETTS)

)ss:

COUNTY OF *Middlesex*)

Before me, on this *2nd* day of *June*, 2005, personally appeared, **GREGORY RAYMOND BEBERNITZ**, known to me and known to be the person(s) named in the attached document, duly signed and executed the same.

Sworn and subscribed to
before me this *2nd*
day of *June*, 2005

Ellen E. Howell
Notary

Seal



The Commonwealth of Massachusetts

William Francis Galvin
Secretary of the Commonwealth

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. **Country:** United States of America

This public document

2. **has been signed by:** Ellen E. Howell

3. **acting in the capacity of:** Notary Public

4. **bears the seal/stamp of:** the State of Massachusetts
whose commission expires on: October 25, 2007

Certified

5. **at:** Boston, Massachusetts

6. **the:** 20 June, 2005

7. **by:** the Secretary of the Commonwealth

8. **No.:** 1076350

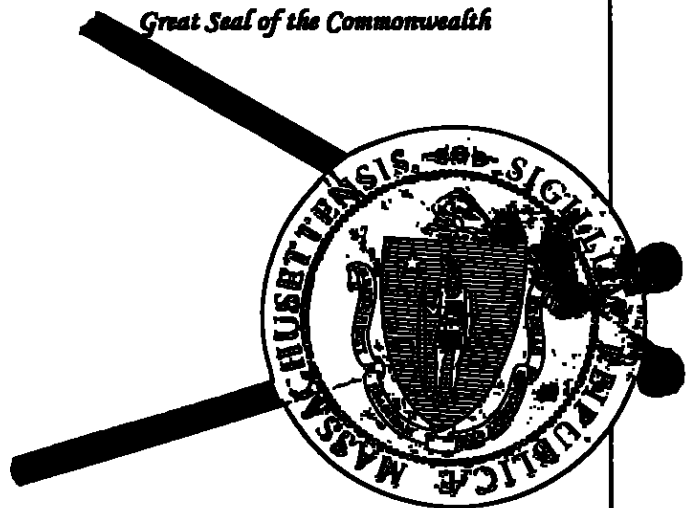
9. **Seal/stamp:**

Great Seal of the Commonwealth

10. **Signature:**



William Francis Galvin
Secretary of the Commonwealth



11/2 224 13

Assignment of Priority Rights

I / We, the undersigned

Gregory Raymond BEBERNITZ, 24 Lanes End, Stow, MA 01775, USA, citizen of USA

assign to Novartis AG, a body corporate organized according to the laws of Switzerland, of
Lichtstrasse 35, 4056 Basel, Switzerland, the right of priority

for Colombia

In respect of the invention disclosed and claimed in my (our) patent application(s)
hereinafter identified, and in consequence thereof, authorize Novartis AG to file

In Colombia

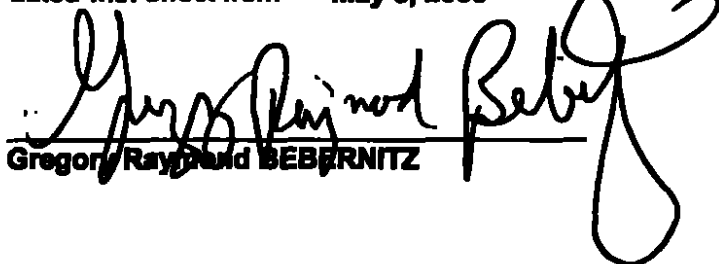
in its name a patent application corresponding to my (our) patent application(s) filed

In USA

on October 3, 2002 under No. 60/415860

while claiming the priority of my (our) above named patent application(s) in conformity with
the dispositions of the International Convention.

dated with effect from May 3, 2005


Gregory Raymond BEBERNITZ

118. 15 17

COMMONWEALTH OF MASSACHUSETTS)

)ss:

COUNTY OF Middlesex)

Before me, on this 1st day of June, 2005, personally appeared, **GREGORY RAYMOND BEBERNITZ**, known to me and known to be the person(s) named in the attached document, duly signed and executed the same.

Sworn and subscribed to
before me this 2nd
day of June, 2005

Ellen E. Howell
Notary

Seal



119. 716 18

The Commonwealth of Massachusetts

William Francis Galvin
Secretary of the Commonwealth

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. **Country:** United States of America

This public document

2. **has been signed by:** Sandra A. Nelson

3. **acting in the capacity of:** Notary Public

4. **bears the seal/stamp of:** the State of Massachusetts

whose commission expires on: May 7, 2010

Certified

5. **at:** Boston, Massachusetts

6. **the:** 24 June, 2005

7. **by:** the Secretary of the Commonwealth

8. **No.:** 1077429

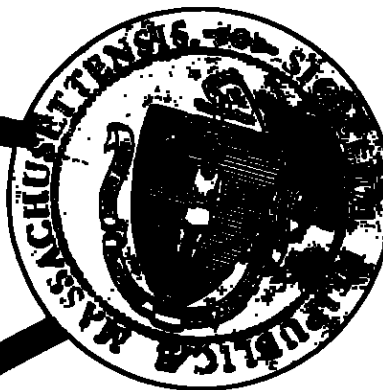
9. **Seal/stamp:**

Great Seal of the Commonwealth

10. **Signature:**



William Francis Galvin
Secretary of the Commonwealth



172
146
120

COMMONWEALTH OF MASSACHUSETTS)

COUNTY OF *Middlesex* ,

)ss:

Before me, on this *17th* day of *June*, 2005, personally appeared, **GREGORY RAYMOND BEBERNITZ**, known to me and known to be the person(s) named in the attached document, duly signed and executed the same.

Sworn and subscribed to
before me this *17th*
day of *June*, 2005

Andrea C. Nelson
Notary

Seal



The Commonwealth of Massachusetts

William Francis Galvin
Secretary of the Commonwealth

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. **Country:** United States of America

This public document

2. **has been signed by:** Ellen E. Howell

3. **acting in the capacity of:** Notary Public

4. **bears the seal/stamp of:** the State of Massachusetts
whose commission expires on: October 25, 2007

Certified

5. **at:** Boston, Massachusetts

6. **the:** 24 June, 2005

7. **by:** the Secretary of the Commonwealth

8. **No.:** 1077427

9. **Seal/stamp:**

Great Seal of the Commonwealth

10. **Signature:**



William Francis Galvin
Secretary of the Commonwealth



129
122

Assignment of Priority Rights

I / We, the undersigned

Gregory Raymond BEBERNITZ, 24 Lanes End, Stow, MA 01775, USA, citizen of USA
Gary Mark COPPOLA, 18 Aldersgate Circle, Budd Lake, NJ 07828, USA, citizen of USA
Edwin Bernard VILLHAUER, 20 Dorothy Drive, Morristown, NJ 07960, USA, citizen of USA

assign to Novartis AG, a body corporate organized according to the laws of Switzerland, of
Lichtstrasse 35, 4056 Basel, Switzerland, the right of priority

for **Colombia**

in respect of the invention disclosed and claimed in my (our) patent application(s)
hereinafter identified, and in consequence thereof, authorize Novartis AG to file

in **Colombia**

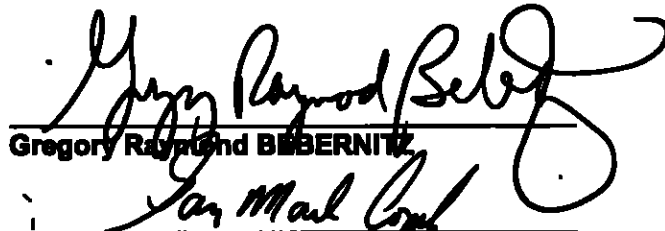
in its name a patent application corresponding to my (our) patent application(s) filed

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on **October 3, 2002** under No. **60/415860**

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dated with effect from **May 3, 2005**



Gregory Raymond BEBERNITZ



Gary Mark COPPOLA

Edwin Bernard VILLHAUER

120.
19
123

COMMONWEALTH OF MASSACHUSETTS)

)ss:

COUNTY OF *Middlesex*)

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Sworn and subscribed to
before me this *2nd*
day of *June*, 2005

Ellen E. Howell
Notary

Seal



124

REPUBLICA DE COLOMBIA
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

Folio 134

2020
Bogotá D.C.,

Doctor(a)
ESCOBAR URIBE JIMENA
Apoderado(a) y/o Representante de
NOVARTIS AG

REFERENCIA	Radicación No.	05 27999
	Solicitud internacional	PCT/EP2003/010977
	Fecha inicio fase nacional	03/05/2005
	Trámite	11
	Evento	379
	Actuación	416
	Oficio No.	1638
	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,

31 OCT. 2005


ALIX CARMEN CESPEDES DE VERGEL
Jefe de la División de Nuevas Creaciones

adpa10