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Superintendencia de Industria y Comercio
E. S. D.

SUPERINDUSTRIA Y COMERCIO
Radicacion : 0505284 00000002 Folios: 10
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Tramite : 011 PCT-PATENT 379 FASE INCI 444 RESPUESTA
Dependencia: 2820 DIVISION DE NUEVAS CREACIONES

TRAMITE: 011
EVENTO: 379
ACTUACION: 444

Referencia : Expediente No.05.053.284
Asunto : Solicitud de patente para:
IMPLANTE PARA LA FIJACIÓN DE L S
HUESOS
Solicitante : MATHYS MEDIZINALTECHNIK AG

Fecha de la solicitud : 1 de Junio de 2005

1. Yo, Emilio FERRERO, obrando como apoderado del solicitante en el asunto antes identificado, me refiero al oficio número 05695, notificado por fijación en lista del 8 de Julio de 2005.

2. Mediante el oficio número 05695 se puso en conocimiento del solicitante el informe que contiene las observaciones hechas por su Despacho sobre la presente solicitud de patente. Atiendo a las observaciones de la manera siguiente:

2.1. Cesión. Presento con este memorial el documento debidamente legalizado y traducido mediante el cual se acredita la cesión de la invención IMPLANTE PARA LA FIJACIÓN DE LOS HUESOS por parte de sus inventores a favor de MATHYS MEDIZINALTECHNIK AG.

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2.2 Reporte del Examen Preliminar Internacional: Se adjunta con este memorial el examen IPER, el cual aun cuando no fue solicitado con el oficio de forma, se considera que puede ser de ayuda para realizar el examen de patentabilidad en el presente asunto.

3. Puesto que se han atendido a cabalidad las observaciones hechas por su Despacho sobre la presente solicitud de patente, atentamente solicito que se continúe su tramitación.

Bogotá, 30 AGO. 2005
Señora Jefe,



EMILIO FERRERO

T.P.A. No. 31.929



COLO 14485 841 003 4

MRE/WPC14485/ID-000033

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1975/CO

AVELIER

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ABOGADOS
EDIFICIO SISKI
CARRERA 4a N° 72-35
BOGOTA, 8 - COLOMBIA

CESION

Yo, (nosotros) abajo firmado (s)

_____ →
_____ →

domiciliado(s) en _____ →

declaro(amos) bajo juramento ser único(s) y verdadero(s) inventor(es)
de la invención:

Implante para la fijación de
huesos

declaro(amos) así mismo que cedo(amos) y transfiero(amos), sin
limitación, a favor de la sociedad _____

MATHYS MEDIZINALTECHNIK AG

constituida y existente de conformidad con las leyes de _____
Suiza

domiciliada en Güterstrasse 5
CH-2544 Bettlach, Suiza

todos los derechos inherentes a dicha invención y que la citada
Compañía queda facultada para solicitar en su nombre la patente de
modelo de utilidad correspondiente en la República de Colombia

ASSIGNMENT

I (we), the undersigned

MATHIEU Claude
FRIGG Robert
SPICHIGER Marco
LECHMANN Beat

of Aristonstrasse 3, CH- 2544 Bettlach, Switzerland;
Mattenweg 8, CH- 2544 Bettlach, Switzerland;
Narzissenweg 5, CH- 2540 Grenchen, Switzerland;
Grenchenstrasse 29a, CH- 2544 Bettlach, Switzerland

State(s) under oath to be sole and true inventor(s) of the invention:

Implant for fixing bones

State as well, that assign, without reservations or limitations in
favour of _____ MATHYS MEDIZINALTECHNIK AG

a corporation constituted and existing in conformity with the laws of
Switzerland

domiciled in Güterstrasse 5
CH-2544 Bettlach, Switzerland

all rights inherent to said invention and that the above mentioned
company hereby is enabled to apply, in its name, for the
corresponding utility patent application, in the Republic of
Colombia

Dado y firmado hoy/ Given and signed this 25.5.05

en/in Zürich

MATHIEU Claude

Firma


Signature

Dado y firmado hoy/ Given and signed this 11.5.05

en/in Bettlach

FRIGG Robert

Firma


Signature

Dado y firmado hoy/ Given and signed this 11.5.05

en/in Bettlach

SPICHIGER Marco

Firma


Signature

Dado y firmado hoy/ Given and signed this 12.05.05

en/in Bettlach

LECHMANN Beat

Firma


Signature

AUTENTICACION NOTARIAL (INDIVIDUO)

A los _____ días del mes de _____ de
200__ ante mí, Notario Público de _____
compareció(eron) personalmente _____

_____ a quien(es) doy fe de conocer y me consta que es(son) la(s) persona(s)
firmante(s) del documento que precede, y quien(es) tiene(n) capacidad
legal para otorgarlo.

NOTARIAL AUTHENTICATION (INDIVIDUAL)

On this _____ day of _____ 200__
before me, a Notary Public of _____
personally appeared _____

_____ to me known, and known to me to be the person(s) who executed that
foregoing document, and who has (have) legal capacity to execute it.

Notario Público/Notary Public

Legalization ./..

Legalization

The undersigned Notary Public confirms hereby that the signatures of Mr. MATHIEU Claude, Mr. FRIGG Robert, Mr. SPICHIGER Marco and Mr. LECHMANN Beat are autentic.

CH-2540 Grenchen, this 6th day of June 2005

Notary Public:



ve, Notary public

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. País: Confederación Suiza

El presente documento público

2. ha sido firmado por *Dr. Urs Kaiser*.....

3. actuando en calidad de *Notario público de estado*.....

4. se halla sellado/timbrado con *la notaria pública*.....

..... *ambos* *funcionado*.....

Certificado

5. en Soleure

6. el *17 de junio de 2005*

7. por *Antoni Sköll* jefe de administración.....

..... de *la cancillería de estado*.....

8. con el número *13846*.....

9. Sello/timbre:

10. Firma:

[Handwritten signature]



Tasa: CHF. 30.-

TRADUCCIÓN OFICIAL 176/2005 DE UN DOCUMENTO ESCRITO EN INGLÉS Y EN ESPAÑOL, REALIZADA POR EDUARDO CALADO NOGUERA, TRADUCTOR OFICIAL APROBADO POR RESOLUCIÓN 541 DEL 27 DE FEBRERO DE 1976 POR EL MINISTERIO DE JUSTICIA Y DEBIDAMENTE REGISTRADO ANTE EL MINISTERIO DE RELACIONES EXTERIORES DE LA REPÚBLICA DE COLOMBIA Y MEDIANTE EL CUAL CLAUDE MATHIEU, ROBERT FRIGG, MARCO SPICHIGER Y BEAT LECHMANN, DOMICILIADO RESPECTIVAMENTE EN ARISTONSTRASSE 3, CH-2544 BETTLACH, SUIZA; MATTENWEG 8, CH-2544 BETTLACH, SUIZA; NARZISSENWEG 5, CH-2540 GRENCHE, SUIZA Y GRENCHESTRASSE 29, CH-2544 BETTLACH, SUIZA, INVENTORES ÚNICOS Y VERDADEROS DE LA INVENCION: IMPLANTE PARA LA FIJACION DE HUESOS, DECLARAN POR EL PRESENTE QUE CEDE DICHA INVENCION A MATHYS MEDIZINALTECHNIK AG, EMPRESA ORGANIZADA Y EXISTENTE BAJO LAS LEYES DE SUIZA, DOMICILIADA EN GÜTERSTRASSE 5, CH-2544 BETTLACH, SUIZA JUNTO CON TODOS LOS DERECHOS INHERENTES Y QUE DICHA COMPAÑIA QUEDA FACULTADA PARA SOLICITAR EN SU NOMBRE LA PATENTE CORRESPONDIENTE EN LA REPUBLICA DE COLOMBIA.

DADO Y FIRMADO HOY 25 DE MAYO DE 2005 EN ZURICH

FIRMA ILEGIBLE.

NOMBRE: CLAUDE MATHIEU

DADO Y FIRMADO HOY 11 DE MAYO DE 2005 EN BETTLACH.

FIRMA ILEGIBLE

ROBERT FRIGG

DDO Y FIRMADO HOY 11 DE MAYO DE 2005 EN BETTLACH

FIRMA ILEGIBLE

MARCO SPICHIGER

DADO Y FIRMADO HOY 12 DE MAYO DE 2005 EN BETTLACH

FIRMA ILEGIBLE

BEAT LECHMANN

LEGALIZACION



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El abajo firmante notario público por la presente confirma que las firmas de CLAUDE MATHIEU, ROBERT FRIGG, MARCO SPICHIGER Y BEAT LECHMANN son auténticas.

CH-2540, Grenchen, 6 de junio de 2005

Notario público

Firma ilegible

APOSTILLA:

(Convención de La Haya del 5 de octubre de 1961)

1. Suiza

Este documento público

2. ha sido firmado por URS KAISER

3. quien actúa en su calidad de NOTARIO PÚBLICO

4. lleva el sello de NOTARIO PÚBLICO,

CERTIFICADO

5. en Soleure

6. el 17 de junio de 2005

7. por Anton Strahl, jefe de administración de la Cancillería de estado

8. Número 13846

9. Sello: Cancillería de Estado de Soleure

10. Firma: (ilegible).

COLO-12877-841-001-8

WPCL002G. ID 6960

Bogotá, 27 de julio de 2005.

Edmundo Calado R.
Edmundo Calado Riquelme
TRADUCTOR OFICIAL
BOL - ESPAÑA
Ene. 31. Febrero de 1990

NO SE ASUME
RESPONSABILIDAD DEL TEXTO
2008 JUL 27 P 1:13
Jefe de LEGALIZACIONES
SANTAFE DE BOGOTA D.C.

MINISTERIO DE RELACIONES
EXTERIORES

452892

CUYA FIRMA APARECE EN EL
DOCUMENTO DESEMPEÑA
LAS FUNCIONES INDICADAS



Translation

PATENT COOPERATION TREATY

PCT/CH2002/000650



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 1975/PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPHA/416)	
International application No. PCT/CH2002/000650	International filing date (day/month/year) 02 December 2002 (02.12.2002)	Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC A61B 17/80		
Applicant MATHYS MEDIZINALTECHNIK AG		

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>5</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>2</u> 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

Date of submission of the demand 28 June 2004 (28.06.2004)	Date of completion of this report 17 March 2005 (17.03.2005)
Name and mailing address of the IPHA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/CH2002/000650

I. Basis of the report

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

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-5 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 8-16 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____ 17-22 / 1-7 _____, filed with the letter of _____ 28.06.05
- ☒ the drawings:
 pages _____ 1/3-3/3 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, 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 Rule 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 written 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 _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

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(c)).**

* 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 (Rule 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/CH 02/00650

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-7	YES
	Claims		NO
Inventive step (IS)	Claims	1-7	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following document:
D2: US-A-6 004 323 (WEINSTEIN JAMES N ET AL.)
21 December 1999 (1999-12-21)
2. D2 is considered to be the prior art closest to the subject matter of claim 1. Said document discloses (the references in parentheses relate to D1):
an implant (fig. 1B) for bone fixation (abstract), which
(A) is made from a combination of the two materials metal and plastic (column 2, lines 18-58); and
(B) has at least one passageway (3) extending through the implant with an axis to accommodate a bone fixation means; and
(C) the passageway is provided with a peripheral border (2) made from a material other than the implant material surrounding the border.
- 2.1 The subject matter of claim 1 therefore differs from the known implant in that the peripheral border is positively and permanently connected to the plastics material of the implant.

The subject matter of claim 1 is therefore novel

(PCT Article 33(2)).

2.2 The problem addressed by the present invention can therefore be considered that of providing an implant where the border of a fixation passageway does not have the same properties as the remainder of the implant.

2.3 The solution to this problem as proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)) for the following reasons:

No document discloses an implant where the peripheral border of a passageway is permanently connected to the plastics material of the implant.

3. Claims 2-22 are dependent on claim 1 and therefore likewise satisfy the PCT novelty and inventive step requirements.