

Señores

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

DIVISION DE NUEVAS CREACIONES

E. _____ S. _____ D. _____

Re: Expediente No. 06.003.174

Solicitud de patente titulada: "NUEVOS COMPUESTOS DE INDOL, BENZOFURANO Y BENZOTIOFENO COMO AGENTES ACTIVADORES DE LSO CANALES DE POTASIO DE GRAN CONDUCTANCIA ACTIVADOS POR CALCIO".

Solicitante: SMITHKLINE BEECHAM CORPORATION

RESPUESTA AL OFICIO N°. 2901 NOTIFICADO
POR FIJACION EN LISTA No. 98, DE FECHA 10 DE MARZO DE 2006,
(EXAMEN DE FORMA)

CARLOS R. OLARTE, mayor de edad y vecino de Bogotá, identificado tal como aparece al pie de mi firma, en mi carácter de apoderado de la sociedad solicitante, me permito manifestar lo siguiente ante el auto emanado por ese Despacho, dentro del plazo legal previsto en el artículo 39 de la Decisión 486, en los siguientes términos:

1. En respuesta a la primera observación del Examinador, me permito aclarar al despacho que la presente solicitud entra en Fase Nacional Capítulo I y no Capítulo II como inicialmente se presentó. Para tal efecto adjunto copia del Reporte Preliminar Internacional de Patentabilidad, el cual, valga aclarar, no contiene anexos.
2. En respuesta a la segunda observación del Examinador, me permito aportar junto al presente memorial, el documento de cesión debidamente legalizado, junto con su correspondiente traducción, según lo previsto en el Art. 26- k de la Decisión 486.
3. En respuesta a la tercera observación del Examinador, me permito presentar un nuevo título: "NUEVOS COMPUESTOS DE INDOL, BENZOFURANO Y BENZOTIOFENO

COMO AGENTES ACTIVADORES DE LSO CANALES DE POTASIO DE GRAN CONDUCTANCIA ACTIVADOS POR CALCIO™, el cual permite identificar claramente el objeto de la solicitud de patente según lo previsto en la Regla 4.3 PCT, Artículos 26 y 27 de la Decisión 486 y Circular Única de la SIC numeral 5.2.9.

Atentamente,



CARLOS R. OLARTE
C.C.No. 79.782.747 de Bogotá
T.P. 74.295

Anexo: **Reporte Preliminar Internacional de Patentabilidad.**
 Documento de Cesión.

Nosotros,

DENNIS LEE de 709 Swedeland Road, Reino de Prussia, Pensilvania 19406, Estados Unidos de América, ciudadano Canadiense; **JOSEPH P. MARINO** de 709 Swedeland Road, Reino de Prussia, Pensilvania 19406, Estados Unidos de América, ciudadano Estadounidense; y **YONGDONG ZHAO** de 709 Swedeland Road, Reino de Prussia, Pensilvania 19406, Estados Unidos de América; ciudadano de la República de China.

Por medio del presente documento cedemos a

SMITHKLINE BEECHAM CORPORATION

una compañía organizada bajo las leyes de La Comunidad de Naciones de Pensilvania, única de los Estados Unidos de América

domiciliada en

One Franklin Plaza, Philadelphia, Pensilvania 19101,
Estados Unidos de América

(de ahora en adelante el "Cesionario"), todos mis (nuestros) derechos, título e interés sobre mi(nuestra) Invención tal como describe en:

COMPUESTOS NOVEDOSOS

Serial: 60/487492

Presentada: el 15 de julio de 2003

En lo que concierne a la República de Colombia.

Lugar y Fecha: Reino de Prussia, Pensilvania, U.S.A. el 13 de enero
de 2006

(Fdo) DENNIS LEE

(Fdo) JOSEPH P. MARINO

(Fdo) YONGDONG ZHAO

Jurado y suscrito ante mí, el día 13 de enero de 2006

(Fdo) IRENE M. MULLIGAN

Notario Público

Sello Notarial, de Irene M. Mulligan, Notario Público

Upper Merion. Twp., Condado de Montgomery

Mi comisión vence el 20 de octubre de 2009

Miembro de la Asociación de Notarios de Pensilvania

APOSTILLA

(Convención de la Haya del 5 de Octubre de 1961)

1. País: Estados Unidos de América
El presente documento público
2. Ha sido firmado por: **IRENE M MULLIGAN**
3. Actuando en su calidad de Notario Público
4. Aparece el sello IRENE M MULLIGAN, NOTARIO PUBLICO,
CONDADO DE MONTGOMERY, COMUNIDAD DE NACIONES DE
PENNSYLVANIA.
Se certifico
5. En Harrisburg, Pensilvania
6. El 2 de febrero de 2006
7. Por Pedro A. Cortés, Secretario de la Mancomunidad de
Pensilvania.
8. Bajo el Número **200604751**
9. Lleva el Sello del Secretario de la Mancomunidad de
Pensilvania.
10. Firmado por Pedro A. Cortés.

APOSTILLE**(Convention de La Haye du 5 octobre 1961)**

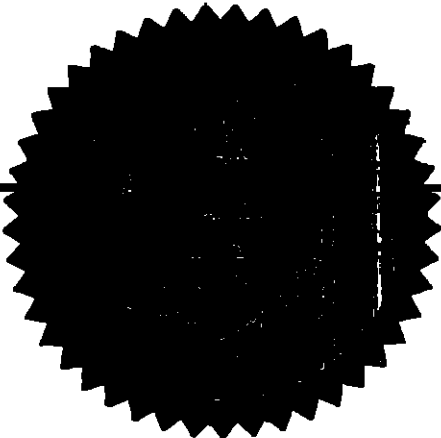
1. Country : United States Of America
2. This public document has been signed by **IRENE M MULLIGAN**
3. acting in the capacity of **NOTARY PUBLIC**
4. bears the seal/stamp **IRENE M MULLIGAN, NOTARY PUBLIC, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA**

Certified

5. at Harrisburg, Pennsylvania
6. The 2nd day of February, 2006
7. by Pedro A. Cortés, Secretary of the Commonwealth of Pennsylvania
8. No : 200604751
9. Seal/Stamp
10. Signature

Pedro A. Cortés

Pedro A. Cortés



OLARTERAISBECK

Carlos R. Olarte
J. Ian Raisbeck
Ana Maria Frieri

Olarte Raisbeck & Frieri, Ltda.
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Bogota, Colombia
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Fax: +57-1 638-6201

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ASSIGNMENT

CESION

I/ We, **DENNIS LEE** of 709 Swedeland Road, King of Prussia, Pennsylvania 19406, United States of America, a citizen of Canada; **JOSEPH P. MARINO** of 709 Swedeland Road, King of Prussia, Pennsylvania 19406, United States of America, a citizen of the United States of America; and **YONGDONG ZHAO** of 709 Swedeland Road, King of Prussia, Pennsylvania 19406, United States of America, a citizen of the Peoples Republic of China, by means of this document assign(s) to **SMITHKLINE BEECHAM CORPORATION**, a corporation organized under the laws of the Commonwealth of Pennsylvania, one of the United States of America, domiciled in One Franklin Plaza, Philadelphia, Pennsylvania 19101, United States of America (hereinafter referred to as the "ASSIGNEE"), all my(our) rights, title and interest in and to my(our) invention for a new and useful improvement entitled and as fully set forth and described in:
"NOVEL COMPOUNDS"
Serial No. 60/487492
Filed on 15 July 2003
so far as the Republic of Colombia is concerned.

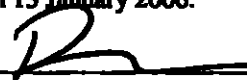
por medio de la presente cedo (cedemos) a **SMITHKLINE BEECHAM CORPORATION**, una organizada bajo las leyes de

domiciliada en One Franklin Plaza, Philadelphia; Pennsylvania 19101, United States of America (de ahora en adelante el "CESIONARIO"), todos mis(nuestros) derechos, título e interés sobre mi(nuestra) invención tal como describe en:

en lo que concierne a la República de Colombia.

Place and date: King of Prussia, Pennsylvania, U.S.A.
on 13 January 2006.

Lugar y fecha:



DENNIS LEE


JOSEPH P. MARINO


YONGDONG ZHAO

Sworn to and subscribed before me
this 13th day of January, 2006.



Notary Public
Commonwealth of Pennsylvania

Notarial Seal
Irene M. Mulligan, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires Oct. 20, 2008
Member, Pennsylvania Association of Notaries

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT**NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)**

(PCT Rule 44bis.1(c))

To:

KELLERMAN, James. C.
GLAXOSMITHKLINE
Corporate Intellectual Property
UW2220
709 Swedeland Road, P.O. Box 1539
King of Prussia, PA 19406-0939
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year)

26 January 2006 (26.01.2006)

Applicant's or agent's file reference

PU60350

IMPORTANT NOTICE

International application No.

PCT/US2004/022706

International filing date (day/month/year)

15 July 2004 (15.07.2004)

Priority date (day/month/year)

15 July 2003 (15.07.2003)

Applicant

SMITHKLINE BEECHAM CORPORATION et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

RECEIVED
GLAXOSMITHKLINE
2006 FEB -3 P 1:15

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Beate Giffo-Schmitt

Facsimile No. +41 22 740 14 35

Facsimile No. +41 22 338 87 30

Form PCT/IB/326 (January 2004)

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference PU60350	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2004/022706	International filing date (<i>day/month/year</i>) 15 July 2004 (15.07.2004)	Priority date (<i>day/month/year</i>) 15 July 2003 (15.07.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant SMITHKLINE BEECHAM CORPORATION		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

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

- | | |
|---|---|
| ☒ Box No. I | Basis of the report |
| ☐ Box No. II | Priority |
| ☒ Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| ☐ Box No. IV | Lack of unity of invention |
| ☒ Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement |
| ☐ Box No. VI | Certain documents cited |
| ☐ Box No. VII | Certain defects in the international application |
| ☐ Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 740 14 35	Date of issuance of this report 16 January 2006 (16.01.2006)
	Authorized officer Beate Giffo-Schmitt Telephone No. +41 22 338 87 20

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
JAMES C. KELLERMAN
GLAXOSMITHKLINE
CORPORATE INTELLECTUAL PROPERTY, UW2220
709 SWEDELAND ROAD, P.O. BOX 1539
KING OF PRUSSIA, PA 19406-0939

PCT

REC'D 10 JAN 2005

WIPO

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

07 JAN 2005

Applicant's or agent's file reference

PU60350

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US04/22706

International filing date (day/month/year)

15 July 2004 (15.07.2004)

Priority date (day/month/year)

15 July 2003 (15.07.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): C07D 405/04 and US CL: 548/466

Applicant

SMITHKLINE BEECHAM CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 56.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1430
Alexandria, Virginia 22315-1430

Facsimile No. (703)305-3230

Authorized officer

Rebecca L. Anderson

Telephone No. (571) 272-1600

J. Roberts for

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/22706

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____. which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/22706

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 1-7

because:

☐ the said international application, or the said claim Nos. _____ relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 1-7 are so unclear that no meaningful opinion could be formed (*specify*):

The numerous variables, e.g. (R1, R2, R3, X, B, Ra, Rb, etc.) and their voluminous, complex meanings and their virtual incomprehensible permutations and combinations make it impossible to determine the full scope and complete meaning of the claimed subject matter. As presented the claimed subject matter cannot be regarded as being a clear and concise description for which protection is sought and as such the listed claims do not comply with the requirements of PCT Article 8. Thus it is impossible to carry out a meaningful written opinion on same. A written opinion will be carried out on the first discernable invention which is the first compound of claim 8.

☐ the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. _____

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐

has not been furnished

☐

does not comply with the standard

the computer readable form

☐

has not been furnished

☐

does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

REPUBLICA DE COLOMBIA
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

Folio 90

2020
Bogotá D.C.,

Doctor(a)
OLARTE GARCIA CARLOS REINALDO
Apoderado(a) y/o Representante de
SMITHKLINE BEECHAM CORPORATION

REFERENCIA	Radicación No.	06 3174
	Solicitud internacional	PCT/UB2004/022706
	Fecha inicio fase nacional	15/02/06
	Trámite	11
	Evento	379
	Actuación	416
	Oficio No.	2424
	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 DE 2007

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

projas