

A

SEÑORES

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

DIVISIÓN DE NUEVAS CREACIONES

E.

S.

D.

SUPERINTENDENCIA Y COMERCIO  
Radicación: 06000506 00000002 Folios: 11  
Fecha (ANO): 2006-03-15 17:09:03  
Trámite: 1 (01) DCY-007001 379 FASE NDC 444 REMUESTA  
Dependencia: 0000 DIVISION DE NUEVAS CREACIONES

Ref.: Expediente N°. 06-000.506

Solicitud de Patente de Invención Titulada: "ANTAGONISTAS DE LOS RECEPTORES MUSCARINICOS DE LA ACETILCOLINA"

Solicitante: GLAXO GROUP LIMITED.

**RESPUESTA AL OFICIO N°. 2654 NOTIFICADO**  
**POR FIJACION EN LISTA No. 86, DE FECHA 3 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 en referencia, me permito dar respuesta al auto proferido por ese Despacho, dentro del término 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 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.
2. En respuesta a la segunda 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.

Atentamente,

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

Anexo: Documento de Cesión  
Reporte de Patentabilidad.

SO  
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**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: **ARLENE E CANNON**

3. Actuando en su calidad de Notario Público

4. Aparece el sello **ARLENE E CANNON, NOTARIO PUBLICO,**  
**CONDADO DE MONTGOMERY, COMUNIDAD DE NACIONES DE**  
**PENNSILVANIA.**

Se certifico

5. En Harrisburg, Pennsylvania

6. El 09 de enero de 2006

7. Por Pedro A. Cortés, Secretario de la Comunidad de  
Naciones de Pennsylvania.

8. Bajo el Número **200600982**

9. Lleva el Sello del Secretario de la Comunidad de  
Naciones de Pennsylvania.

10. Firmado por Pedro A. Cortés.

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3

**CESION**

Nosotros,

**Kristen E. BELMONTE** de 709 Swedeland Road, Reino de Prussia, PA 19406, USA, ciudadano de los Estados Unidos de América; **Jacob BUSCH-PETERSEN** de 709 Swedeland Road, Reino de Prussia, PA 19406, USA, ciudadano de Dinamarca; **Dramane I. LAINE** de 709 Swedeland Road, Reino de Prussia, PA 19406, USA, ciudadano de Francia; **Michael R. PALOVICH** de 709 Swedeland Road, Reino de Prussia, PA 19406, USA, ciudadano de los Estados Unidos de América;

Por medio de la presente cedemos a

**Glaxo Group Limited**

Una compañía organizada bajo las leyes del reino Unido domiciliada en

Glaxo Wellcome House, Berkeley Avenue, Greenford, Middlesex, UB6 0NN, Gran Bretaña,

(en adelante el "Cesionario"), todos mis (nuestros) derechos, título e interés sobre mi(nuestra) invención para una nueva y útil mejora tal como describe en:

**ANTAGONISTAS DE RECEPTORES MUSCARINICOS DE LA ACETIL-COLINA.**

Serial No. 60/487982

Presentado el 17 de julio de 2003

En lo que concierne a la República de Colombia.



Lugar y Fecha: Reino de Prussia, Pennsilvania, U.S.A. 4 de agosto de 2004.

(Fdo) Kristen E. BELMONTE

(Fdo) Jacob BUSCH-PETERSEN

(Fdo) Dramane I. LAINE

(Fdo) Michael R. PALOVICH

Jurado y suscrito ante mi, el día 4 de agosto de 2004

(Fdo) ARLENE E. CANNON

Notario Público

Sello Notarial,

Arlene E. Cannon, Notario Público

Upper Merion. Twp., Condado de Montgomery

Mi comisión vence el 21 de mayo de 2005

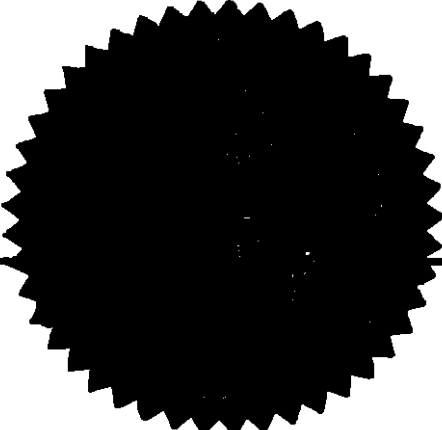
S

**APOSTILLE**

(Convention de La Haye du 5 octobre 1961)

1. Country : United States Of America
2. This public document has been signed by **ARLENE E CANNON**
3. acting in the capacity of **NOTARY PUBLIC**  
bears the seal/stamp **ARLENE E CANNON, NOTARY PUBLIC, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA**
5. at Harrisburg, Pennsylvania
6. The 9th day of January, 2008
7. by Pedro A. Cortés, Secretary of the Commonwealth of Pennsylvania
8. No : 200600982
9. Seal/Stamp
10. Signature

Certified

  
Pedro A. Cortés

Pedro A. Cortés

# OLARTERAISBECK

Carlos R. Olarte  
J. Ian Raisbeck  
Ana Maria Priori

Olarte Raisbeck & Priori, Ltda.  
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## ASSIGNMENT

## CESION

I/ We, **Kristen E. BELMONTE** of 709 Swedeland Road, King of Prussia, PA 19406 USA, a citizen of the United States of America; **Jakob BUSCH-PETERSEN** of 709 Swedeland Road, King of Prussia, PA 19406 USA, a citizen of Denmark; **Dramane L. LAINE** of 709 Swedeland Road, King of Prussia, PA 19406 USA, a citizen of France; **Michael R. PALOVICH** of 709 Swedeland Road, King of Prussia, PA 19406 USA, a citizen of the United States of America;

by means of this document assign(s) to **GLAXO GROUP LIMITED**, a corporation organized under the laws of the United Kingdom domiciled in Glaxo Wellcome House Berkeley Ave, Greenford Middlesex, UK UB6 0NN (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:

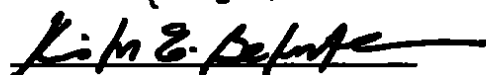
"Muscarinic Acetylcholine Receptor Antagonists"  
Serial No. 60/487982  
Filed on 17 July 2003  
so far as the Republic of Colombia is concerned.

por medio de la presente cedo (cedemos) a **GLAXO GROUP LIMITED**, una organizada bajo las leyes de domiciliada en Glaxo Wellcome House Berkeley Ave, Greenford 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 4 August, 2004.

Lugar y fecha:

  
Kristen E. BELMONTE  
  
Jakob BUSCH-PETERSEN  
  
Dramane L. LAINE  
  
Michael R. PALOVICH

Sworn to and subscribed before me  
this 4 day of August, 2004.

  
Notary Public

NOTARIAL SEAL  
ARLENE E. CANNON, Notary Public  
Upper Merion Twp., Montgomery County  
My Commission Expires May 21, 2005

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:

*X*

SIMON, Soma, G.  
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)<br>02 February 2006 (02.02.2006) |                                                                         |                                                             |
| Applicant's or agent's file reference<br>PU60399                  |                                                                         | IMPORTANT NOTICE                                            |
| International application No.<br>PCT/US2004/023041                | International filing date (day/month/year)<br>16 July 2004 (16.07.2004) | Priority date (day/month/year)<br>17 July 2003 (17.07.2003) |
| Applicant<br>GLAXO GROUP LIMITED et al                            |                                                                         |                                                             |

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

RECEIVED  
GLAXO-SMITHKLINE  
2006 FEB 13 A 11:49

|                                                                                                                                     |                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| The International Bureau of WIPO<br>34, chemin des Colombettes<br>1211 Geneva 20, Switzerland<br><br>Facsimile No. +41 22 740 14 35 | Authorized officer<br><br>Nora Lindner<br><br>Facsimile No. +41 22 338 89 65 |
|-------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|

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

(PCT Rule 44bis)

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|                                                                                                                                  |                                                                         |                                                             |
|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------------------------------------------------|
| Applicant's or agent's file reference<br>PU60399                                                                                 | FOR FURTHER ACTION                                                      | See item 4 below                                            |
| International application No.<br>PCT/US2004/023041                                                                               | International filing date (day/month/year)<br>16 July 2004 (16.07.2004) | Priority date (day/month/year)<br>17 July 2003 (17.07.2003) |
| International Patent Classification (8th edition unless older edition indicated)<br>See relevant information in Form PCT/ISA/237 |                                                                         |                                                             |
| Applicant<br>GLAXO GROUP LIMITED                                                                                                 |                                                                         |                                                             |

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 4 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:

- |                                               |                                                                                                                                                                 |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report                                                                                                                                             |
| <input type="checkbox"/> Box No. II           | Priority                                                                                                                                                        |
| <input type="checkbox"/> Box No. III          | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability                                                                |
| <input type="checkbox"/> Box No. IV           | Lack of unity of invention                                                                                                                                      |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI           | Certain documents cited                                                                                                                                         |
| <input type="checkbox"/> Box No. VII          | Certain defects in the international application                                                                                                                |
| <input type="checkbox"/> 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).

|                                                                                                                                 |                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
|                                                                                                                                 | Date of issuance of this report<br>23 January 2006 (23.01.2006)          |
| The International Bureau of WIPO<br>34, chemin des Colombettes<br>1211 Geneva 20, Switzerland<br>Facsimile No. +41 22 740 14 35 | Authorized officer<br><br>Nora Lindner<br>Telephone No. +41 22 338 89 65 |

From the  
INTERNATIONAL SEARCHING AUTHORITY

RECT 31 JAN 2005

57

To:  
SOMA G. SIMON  
GLAXOSMITHKLINE  
CORPORATE INTELLECTUAL PROPERTY, UW2220  
709 SWEDELAND ROAD, PO BOX 1539  
KING OF PRUSSIA, PA 19406-0939

PCT

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) 27 JAN 2005

Applicant's or agent's file reference

PU60399

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US04/23041

International filing date (day/month/year)

16 July 2004 (16.07.2004)

Priority date (day/month/year)

17 July 2003 (17.07.2003)

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

IPC(7): A61K 31/46; C07D 451/02 and US Cl.: 514/304; 546/124, 125

Applicant

GLAXO GROUP LIMITED

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 66.1bis(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 1450  
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

By K. Trinh

*Donna Lawrence* For

Telephone No. (571) 272-0600

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/23041

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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/US04/23041

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Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

|                               |                    |     |
|-------------------------------|--------------------|-----|
| Novelty (N)                   | Claims <u>NONE</u> | YES |
|                               | Claims <u>1-13</u> | NO  |
| Inventive step (IS)           | Claims <u>NONE</u> | YES |
|                               | Claims <u>1-13</u> | NO  |
| Industrial applicability (IA) | Claims <u>1-13</u> | YES |
|                               | Claims <u>NONE</u> | NO  |

2. Citations and explanations:

Claims 1-13 lack novelty under PCT Article 33(2) as being anticipated by the MeBr salt of compound (II) of Zirkle et al. Also note the compounds with the registration number RN 90114-71-9, RN 94168-11-3, RN 102133-77-7, RN 106655-98-5, RN 106713-93-3, RN 106713-95-5, RN 106885-38-5 and RN 106954-22-7.

Claims 1-13 lack novelty under PCT Article 33(2) as being anticipated by the quaternary ammonium salt of the compound of Formula 4 in column 4 and lines 19-28 column 2 of ZIRKLE ( US 2,800,478).

**REPUBLICA DE COLOMBIA**  
**SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO**

Folio 60

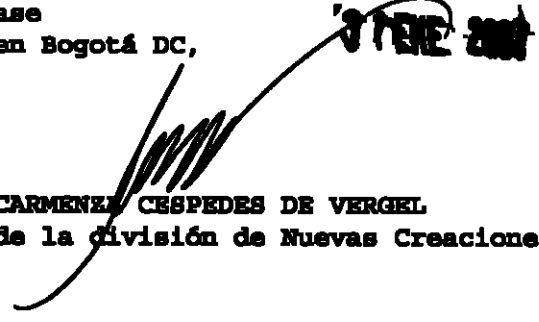
2020  
Bogotá D.C.,

Doctor(a)  
OLARTE GARCIA CARLOS REINALDO  
Apoderado(a) y/o Representante de  
GLAXO GROUP LIMITED

|            |                            |                   |
|------------|----------------------------|-------------------|
| REFERENCIA | Radicación No.             | 06 506            |
|            | Solicitud internacional    | PCT/US2004/023041 |
|            | Fecha inicio fase nacional | 17/02/06          |
|            | Trámite                    | 11                |
|            | Evento                     | 379               |
|            | Actuación                  | 416               |
|            | Oficio No.                 | 2417              |
|            | 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,

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

projas