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**Señores
DIVISIÓN DE NUEVAS CREACIONES
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
Bogotá, D C**

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
Rad 06-023144- 00001-0000
Fec 2006-07-04 10:40 12 Dep 2020 NUECREACIONE
Tra 11 PATENTE/II
Ene 379 FASE NACIONAL II
Act 444 RESPUESTA REQUE Folio 5 15

**Re Código 011-379-444
Expediente No 06-23 144
Fase Nacional de Solicitud
de Patente PCT
CELGENE CORPORATION**

En relación con el expediente de la referencia y dando cumplimiento a la última providencia recaída sobre este asunto por medio del presente escrito me permito manifestarles lo siguiente

- 1 Acompaño una copia certificada del documento que acredita la cesión de los inventores a la sociedad solicitante
- 2 Acompaño las Figuras 4, 9, 15, 21 y 24 debidamente numeradas e identificadas
- 3 La presente solicitud corresponde al capítulo II del PCT para lo cual adjunto una copia del Examen Preliminar Internacional emitido por la autoridad correspondiente

Renuncio al término faltante de traslado, y les solicito ordenar la publicación del extracto

122
✓
Castillo Grau & Asociados
ABOGADOS

De Ustedes Atentamente,


LUIS FELIPE CASTILLO GIBSONE
T P No. 68.998 del C S.J

Apostille

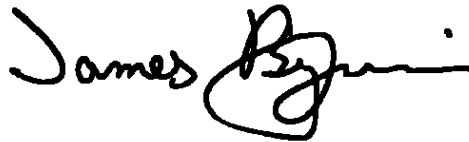
(Convention de La Haye du 5 Octobre 1961)

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3

- 1 **Country United States of America**
- This public document**
- 2 **has been signed by Norman Goodman**
- 3 **acting in the capacity of County Clerk**
- 4 **bears the seal/stamp of the county of New York**

Certified

- 5 **At New York, New York 6 the 28th day of March 2006**
- 7 **by Special Deputy Secretary of State, State of New York**
- 8 **No NYC-10430404A**
- 9 **Seal/Stamp 10 Signature**



James Bizzam
Special Deputy Secretary of State

State of New York }
County of New York, }

NEW YORK
COUNTY

124 486779

Form 1

I, NORMAN GOODMAN County Clerk and Clerk of the Supreme Court of the State of New York, in and for the County of New York, a Court of Record, having by law a seal,
DO HEREBY CERTIFY pursuant to the Executive Law of the State of New York, that

Patricia Vega
whose name is subscribed to the annexed affidavit, deposition certificate of acknowledgment or proof, was at the time of taking the same a NOTARY PUBLIC in and for the State of New York duly commissioned, sworn and qualified to act as such; that pursuant to law a commission or a certificate of his official character, with his autograph signature has been filed in my office; that at the time of taking such proof acknowledgment or oath he was duly authorized to take the same, that I am well acquainted with the handwriting of such NOTARY PUBLIC or have compared the signature on the annexed instrument with his autograph signature deposited in my office, and I believe that such signature is genuine.

IN WITNESS WHEREOF I have hereunto set my hand affixed my official seal this

FEE PAID \$1.00 MAR 22 2006

Norman Goodman

County Clerk and Clerk of the Supreme Court, New York County

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7-026

VERIFICATION

STATE OF NEW YORK)
) ss
COUNTY OF NEW YORK)

I verify that the attached document identified as

Assignment

is a true copy of the document as executed on September 2, 2004 by Roger Shen-Chu Chen, George W Muller, Markian S Jaworsky, Manohar T Saindane and Louise M Cameron to CELGENE CORPORATION of United States and corresponding foreign rights in connection with U S Serial No 60/499,723 filed September 4, 2003

**CAR
COUNTY
CLERK**

Subscribed and sworn to before me this 24th day of

February, 2006

Notary Public

PATRICIA VEGA
Notary Public, State Of New York
No 01VE4841010
Qualified In Suffolk County
Certificate Filed In New York County
Commission Expires June 30, 2007

ASSIGNMENT

JOINT

126 5 ✓

WHEREAS, WE, Roger Shen-Chu CHEN, George W MULLER, Markian S. JAWORSKY, Manohar T SAINDANE, and Louise M. CAMERON, ASSIGNORS, citizens of the United States, United States, United States, United States, United States and United Kingdom, respectively, residing at 110 Christie Street, Edison, New Jersey 08820, 250 Windmill Court, Bridgewater, New Jersey 08807, 57 Featherbed Lane, Hopewell, New Jersey 08525-1001, 20 Arbutus Way, Monmouth Junction, NJ 08852 and 25 Keswick Road, East Windsor, New Jersey 08520, respectively, are the inventors of the invention in

POLYMORPHIC FORMS OF 3-(4-AMINO-1-OKO-1,3 DIHYDRO-ISOINDOL-2-YL)-PIPERIDINE-2,6-DIONE
for which we have executed an application for a Patent of the United States

- ☐ which is executed on ☐ even date herewith or ☐
☒ which is identified by Jones Day docket no. 501872-999146
☐ which was filed on

WHEREAS, ASSIGNEE, Celgene Corporation, of 7 Powder Horn Drive, Warren, New Jersey 07059, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all renewals and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and renewals thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, renewals and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF We have set our hands and seals this day and year set appears our respective signatures.

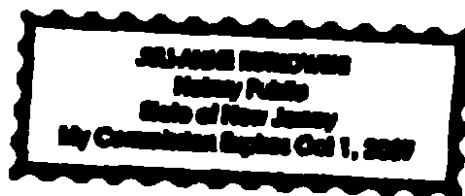
Date: Sep 2, 2004 Roger S. Chen L.S.
Roger Shen-Chu CHEN

State of New Jersey;
County of Somerset;

on September 2, 2004, before me, Julie Anne Rutkowski Notary Public, personally appeared, ROGER SHEN-CHU CHEN, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Julie Anne Rutkowski #229241



Date Sept 2, 2004

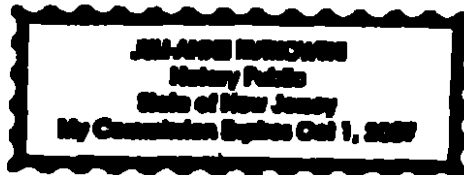
George W Muller L.S.
George W MULLER

State of New Jersey,
County of Somerset) SS.

On September 2, 2004, before me, Juli-Anne Rutkowski Notary Public, personally appeared GEORGE W. MULLER, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Juli-Anne Rutkowski #2292411



Date Sept 2, 2004

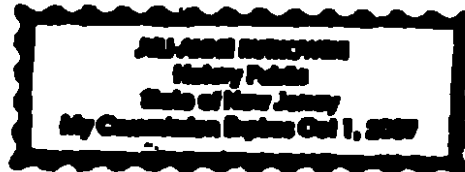
Markian E Jaworsky L.S.
Markian E JAWORSKY

State of New Jersey,
County of Somerset) SS.

On September 2, 2004, before me, Juli-Anne Rutkowski Notary Public, personally appeared, MARKIAN E JAWORSKY, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Juli-Anne Rutkowski #2292411



Date Sept 2, 2004

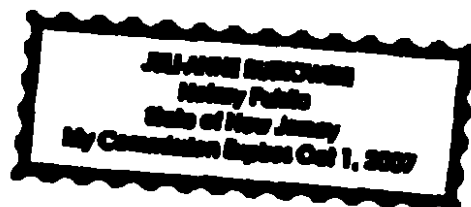
Manohar T Saindane L.S.
Manohar T SAINDANE

State of New Jersey,
County of Somerset) SS.

On September 2, 2004, before me, Juli-Anne Rutkowski Notary Public, personally appeared, MANOHAR T. SAINDANE, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Juli-Anne Rutkowski #2292411



Date: Sep 12, 2004

L. Cameron
Louise M. CAMERON

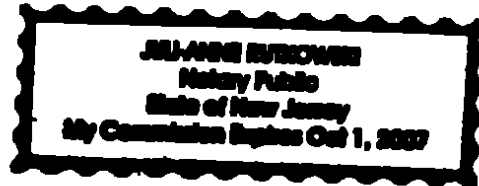
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State of New Jersey;
County of Somerset;

On September 2, 2004, before me, Juli-Anne Rutkowski, Notary Public, personally appeared, LOUISE M. CAMERON, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

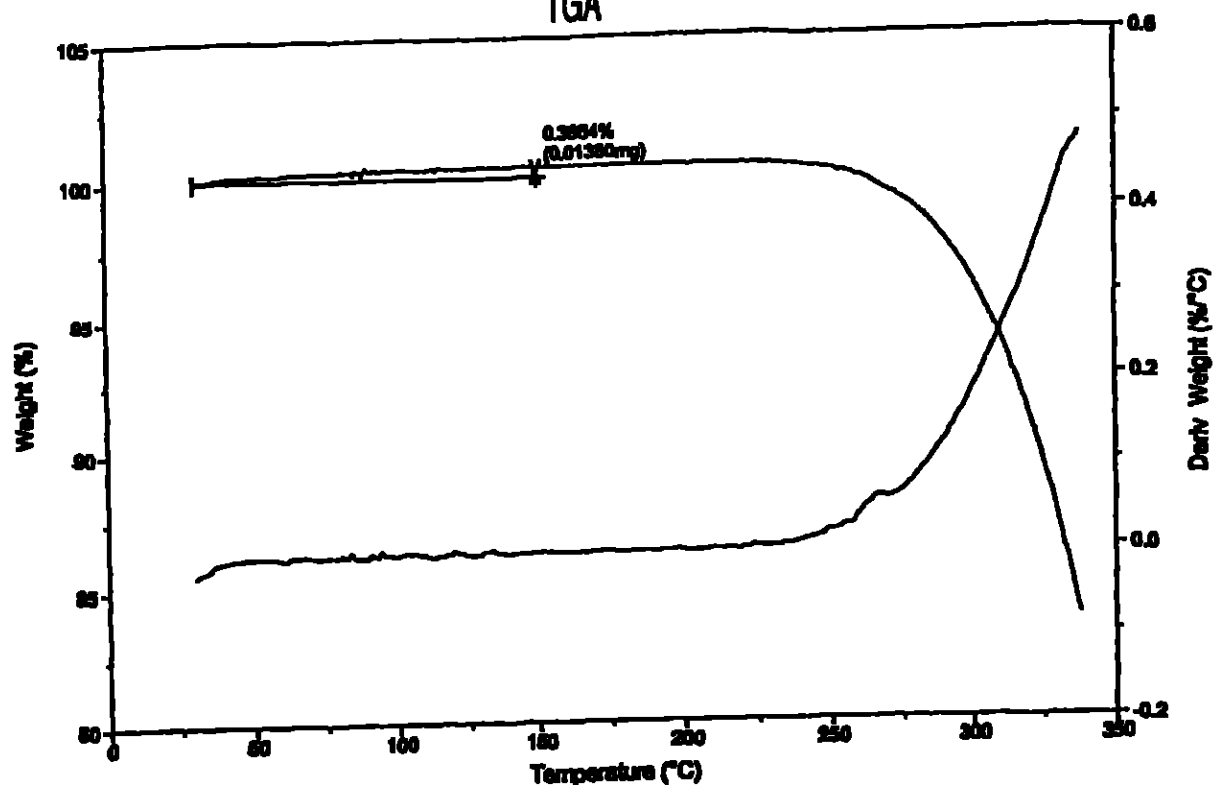
WITNESS my hand and official seal

Juli-Anne Rutkowski #229241



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(TOP) AND DSC (BOTTOM) OF FORM A
TGA



DSC

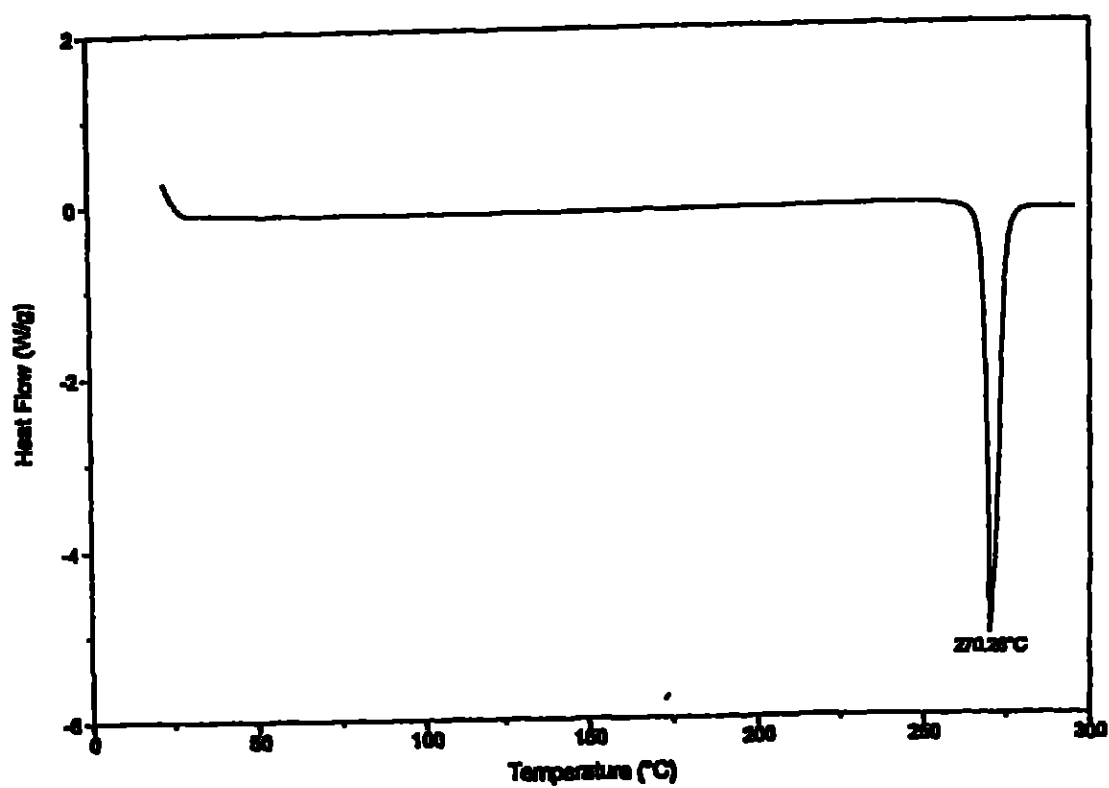


Fig. 4

130 ~~9~~ 1

TGA (TOP) AND DSC (BOTTOM) OF FORM B

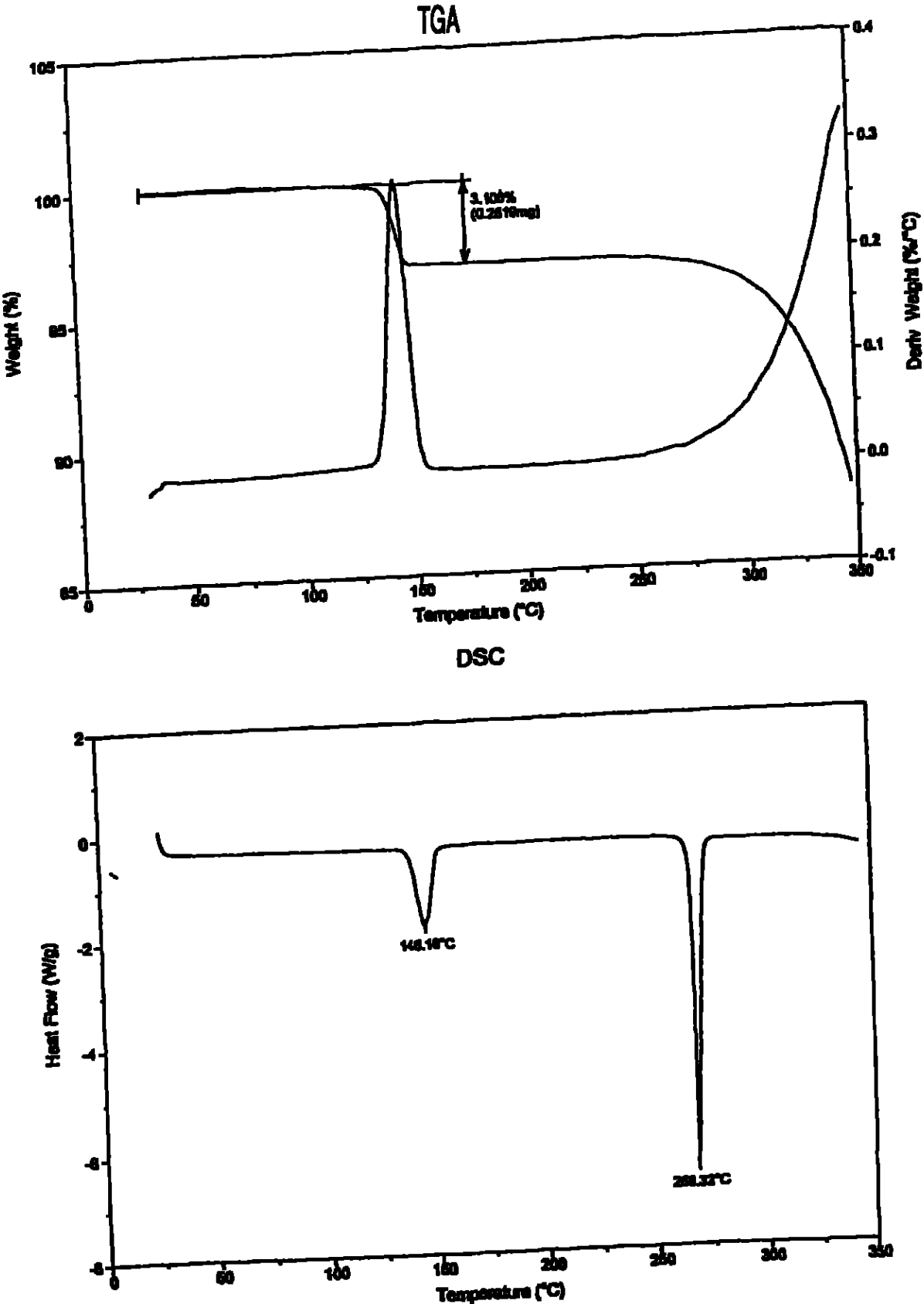


Fig. 9

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TGA (TOP) AND DSC (BOTTOM) OF FORM C

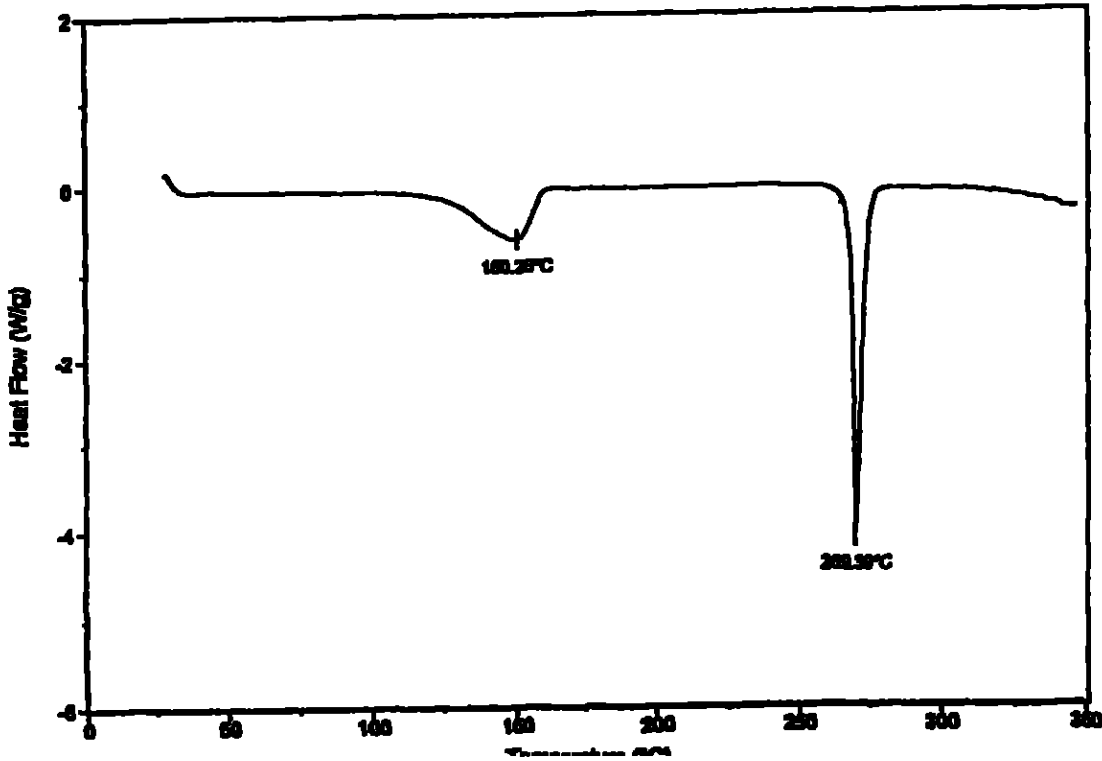
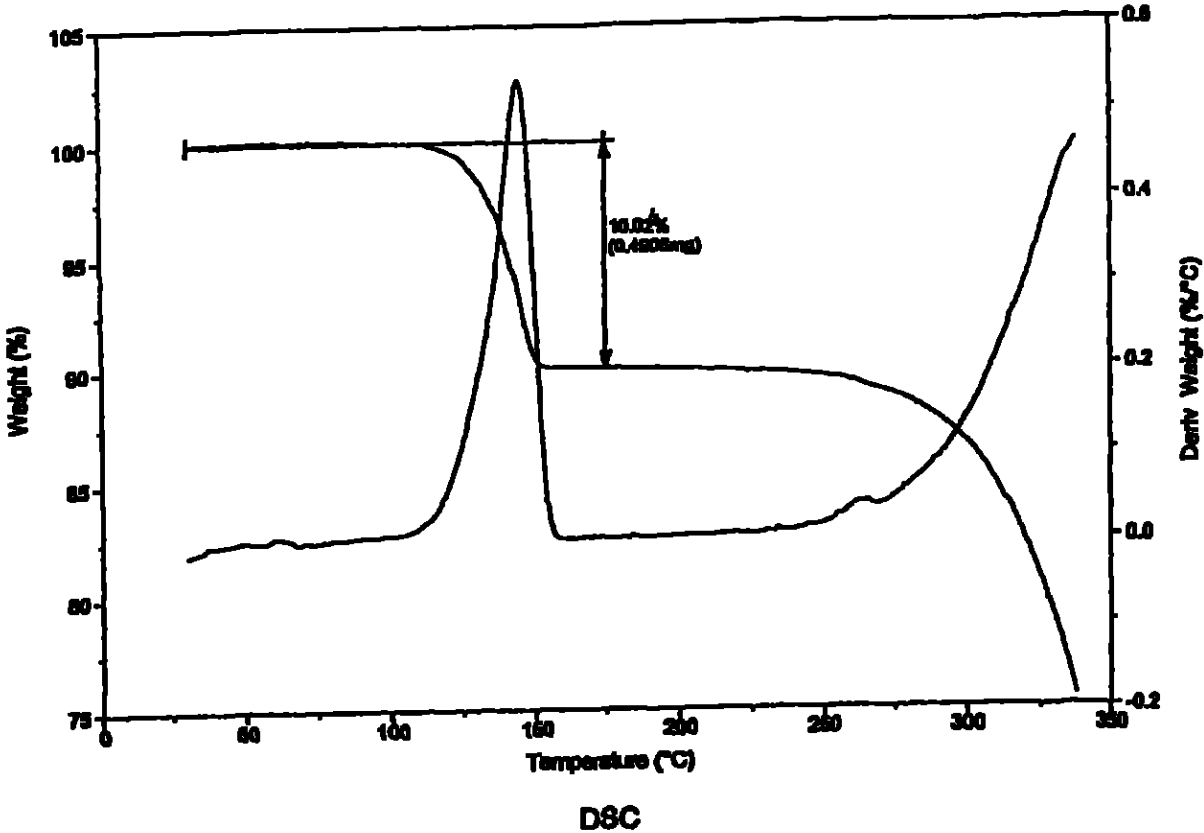
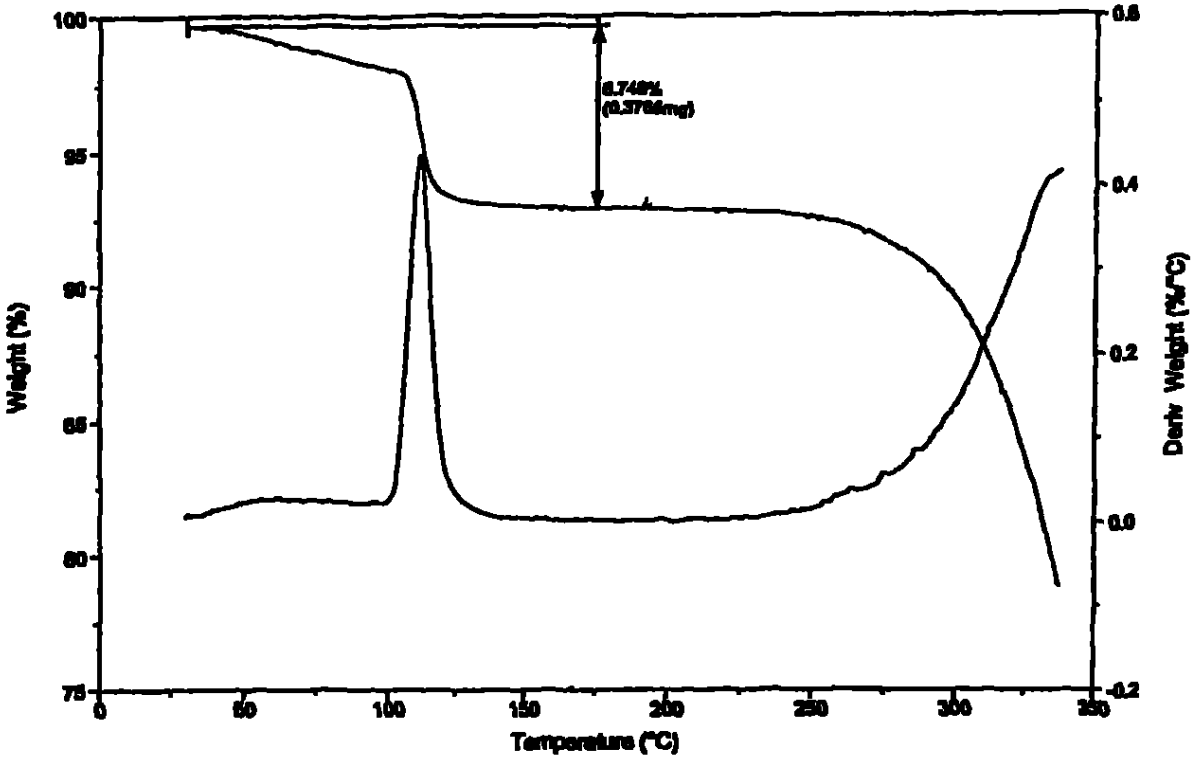


Fig.15
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TGA (TOP) AND DSC (BOTTOM) OF FORM D
TGA



DSC

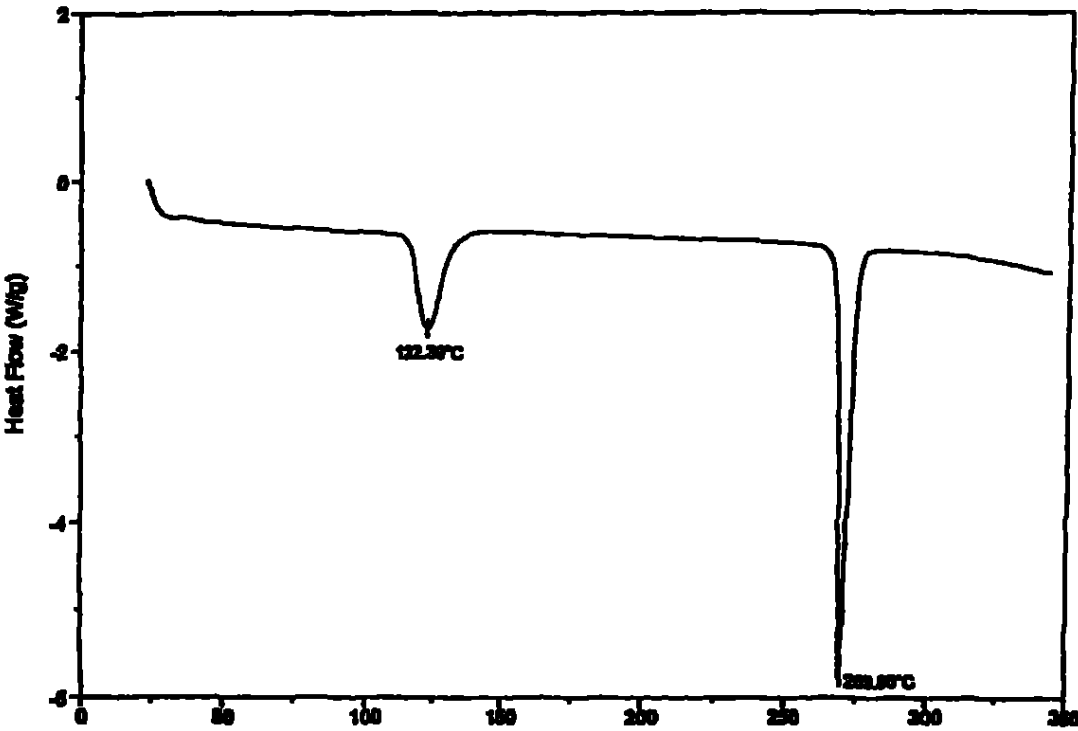


Fig. 21
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TGA (TOP) AND DSC (BOTTOM) OF FORM E

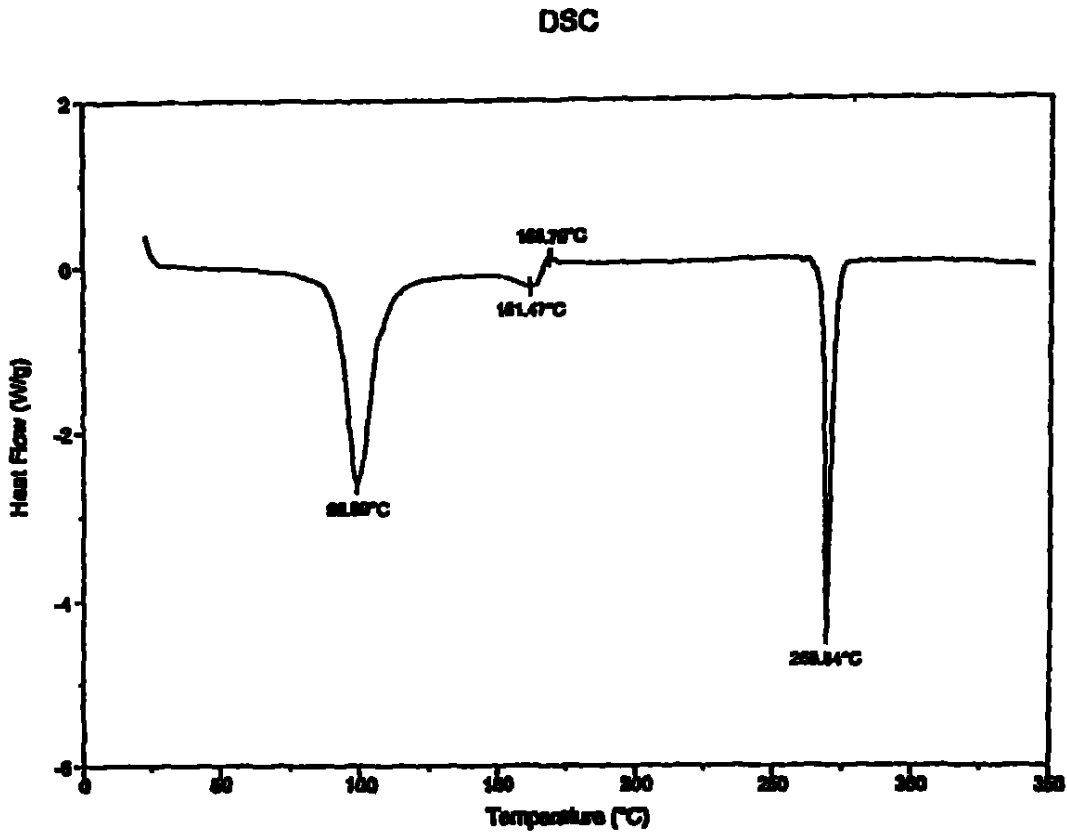
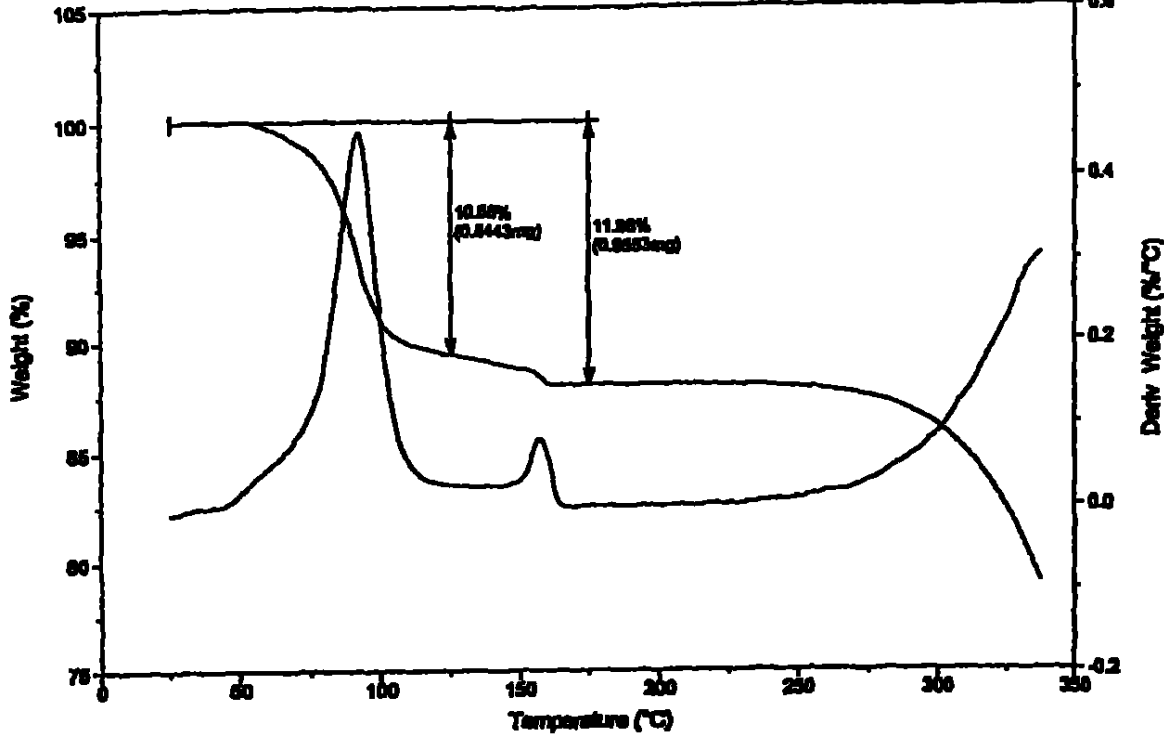


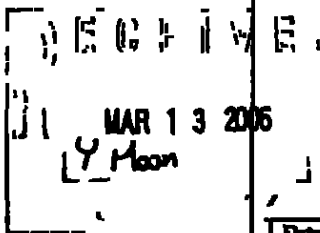
Fig. 24

PATENT COOPERATION TREATY

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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
ANTHONY M. ANSOONA
JONES DAY
222 EAST 41ST STREET
NEW YORK, NY 10017



PCT

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing
(day/month/year) **09 MAR 2006**

Applicant's or agent's file reference

9516-147-328

IMPORTANT NOTIFICATION

International application No.

PCT/US04/28736

International filing date (day/month/year)

03 September 2004 (03.09.2004)

Priority date (day/month/year)

04 September 2003 (04.09.2003)

Applicant

CELGENE CORPORATION

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of this 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 report on patentability. 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*.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability requirements for enabling disclosure, clarity and support for the claims.

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

Authorized official
Christina J. Wallace
Official Stamp
Telephone No. (571) 272-1600

Form PCT/IPSA/416 (January 2004)

PATENT CO-OPERATION TREATY

PCT

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

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 9316-147-228	FOR FURTHER ACTION		See Form PCT/IBPA/416
International application No. PCT/IB04/28736	International filing date (day/month/year) 03 September 2004 (03.09.2004)	Priority date (day/month/year) 04 September 2003 (04.09.2003)	
International Patent Classification (IPC) or national classification and IPC IPC: A61K 31/445 (2006.01); C07D 401/04 (2006.01) USPC: 514/323, 546/201			
Applicant CELGENE CORPORATION			
1 This report is the International preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2 This REPORT consists of a total of <u>2</u> sheets, including this cover sheet. 3 This report is also accompanied by ANNEXES, comprising: a. ☐ (sent to the applicant and to the International Bureau) a total of ___ sheets, as follows: ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by the Authority (see Rule 70.16 and Section 807 of the Administrative Instructions). ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) ___ containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). 4. 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			
Date of submission of the demand 31 March 2005 (31.03.2005)		Date of completion of this report 26 January 2006 (26.01.2006)	
Name and mailing address of the IPEA/US Mail Stop PCT Attn: IPEA/US Commissioner for Patents P.O. Box 1490 Alexandria, Virginia 22313-1490 Facsimile No. (571) 273-3301		Authorized officer <i>Michael Lawrence For</i> Chen Chang Telephone No. (571) 272.1600	

Form PCT/IBPA/409 (cover sheet) (April 2005)

R00017237 001

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/IB04/28736

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Box No. 1 Basis of the report

1 With regard to the language, this report is based on:

- ☒ the international application in the language in which it was filed.
- ☐ a translation of the international application into English, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2 With regard to the elements of the international application, this report is based on (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 answered to this report)

- ☒ the international application as originally filed/furnished
- ☒ the description:
pages 1-31 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☒ the claims:
pages 32-35 as originally filed/furnished
pages* NONE as amended (together with any statement) under Article 19
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☒ the drawings:
pages 1-48 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3 ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/figs NONE
- ☒ the sequence listing (specify): NONE
- ☒ any table(s) related to the sequence listing (specify): NONE

4 ☐ This report has been established as if (some of) the amendments annexed to this report and listed below 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)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to the sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superceded."

Form PCT/IB/409 (Box No. 1) (April 2005)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US04/25736

Box No. 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 1-28 YES
Claims NONE NO

Inventive Step (IS)

Claims NONE YES
Claims 1-28 NO

Industrial Applicability (IA)

Claims 1-28 YES
Claims NONE NO

2. Citations and Explanations (Rule 70.7)

Claims 1-28 meet the criteria set out in PCT Article 33(2), because the prior art did not disclose the particular polymorphic form of the claimed compounds.

Claims 1-28 lack an inventive step under PCT Article 33(3) as being obvious over MULLER et al, US 6,316,471, MULLER (Moorg. Med. Chem. Let) CORRAL et al or LENTZBOG et al in view of GRANT. The difference between the claimed compounds and the prior art is the particular polymorphic "form". GRANT taught that pharmaceutical solids will exhibit polymorphism and polymorphic forms will have different physical properties. Therefore one skilled in the art would expect multiple forms for a pharmaceutical solid and they all have different physical property.

Claims 1-28 the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed are more different forms of pharmaceutical solid used in industry.