

Clarke, Modet & C°

COLOMBIA

SEÑORES
DIVISIÓN DE NUEVAS CREACIONES
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
E. S. D.

REF: EXPEDIENTE No. 06076955
SOLICITANTE: CHIRON CORPORATION
XOMA TECHNOLOGY LTD.
FECHA DE LA SOLICITUD: AGOSTO 4 DE 2006

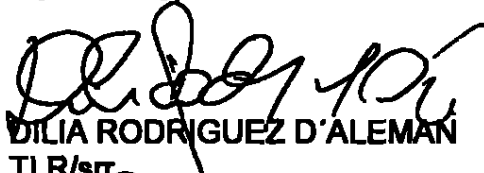
ASUNTO: CONTESTACIÓN A REQUERIMIENTO OFICIAL

DILIA RODRIGUEZ D'ALEMAN, en mi condición de apoderada de la sociedad solicitante, por el presente escrito doy respuesta a su auto notificado por estado de Octubre 6 de 2006, que vence Diciembre 7 de 2006 y del cual solicité una prórroga y e permito presentar los siguientes documentos y aclaraciones:

- Copia simple del documento de PODER otorgado a mi favor, junto con la prueba de existencia y representación legal del solicitante, debidamente legalizados.
- Copia simple del documento en el que consta la CESIÓN del derecho a la patente otorgado por los inventores al solicitante, debidamente legalizado.

Ya que estos documentos no han sido recibidos aún en Colombia y fueron enviados por courier, estaremos presentando en debida forma los originales junto con su traducción debidamente legalizada y avalada por el Ministerio de Relaciones Exteriores una vez recibidos y traducidos oficialmente.

Señor Jefe,


DILIA RODRIGUEZ D'ALEMAN
TLR/srr
P. 810

COLOMBIA

Carrera 11 N° 86-53 Piso 6 Bogotá Colombia Tel: (57 1) 6181088 Fax: (57 1) 6350824 Email: info@clarimodet.com.co

PODER

Yo (nosotros), abajo firmante(s)

en mi (nuestro) carácter de representante(s) legal(es) de

una sociedad organizada y existente de acuerdo con las leyes de

y en actual cumplimiento de su objeto social, con domicilio en

por el presente instrumento escrito (confirmando) poder especial a favor de DELIA MARIA RODRIGUEZ DALEMAN, con Cédula de Ciudadanía No. 41.654.882 de Bogotá, y tp. 20834 y CLAUDIA LUCIA CARO RAMIREZ, con Cédula de Ciudadanía No. 48.017.374 de Tunja, y tp. 34448, con domicilio en Bogotá, Colombia, para que actuando en su orden en nombre del (de la) otorgante lo (la) representen ante cualquier entidad, autoridad y/o persona, especialmente ante las del orden Administrativo, Contratación Administrativa, Judicial, Tránsito de Arbitramento y/o cualquier otra en lo referente a los siguientes asuntos:

- 1) Solicitar, tramitar, obtener y/o registrar cualquiera de las modalidades de Propiedad Industrial, tales como: patentes de invención, modelos de utilidad, diseños industriales, variedades vegetales, marcas, lemas, nombres y emblemas comerciales y denominaciones de origen, así como, sus renovaciones, prórrogas, transferencias, cambios de nombre y/o domicilio, sustitutos y licencias.
- 2) Solicitar, tramitar, obtener y/o registrar derechos de autor, en cualquiera de sus presentaciones así como la protección de secretos industriales y know-how.
- 3) Solicitar, tramitar, obtener y/o registrar derechos conexos, patentes y/o licencias de funcionamiento; así como sus renovaciones o prórrogas, transferencias, cambios de nombre y/o domicilio, sustitutos y licencias.
- 4) Ejecutar acciones de oposición, observación, reclamos, reconsideración, reposición, apelación, casación administrativa o judicial, nulidad, protección al consumidor, cesación de licencias, protección de secretos industriales y demás acciones y recursos relacionados con derechos derivados de las marcas arboles industriales y en contra de la competencia desleal, acciones derivadas de la obtención o explotación de licencias, acciones de indemnización de perjuicios. También podrá(n) intervenir en juicios civiles, comerciales, penales, contencioso-administrativos, taxativos y de policía; en acciones o juicios promovidos por el (la) demandante o en contra el (ella).
- 5) Registrar nombres de dominio ante la entidad competente.
- 6) En el ejercicio de este mandato los mandatarios arboles mencionados quedan facultados para: consultar, emitir, tramitar, comprometer en arbitraje, demandar, recibir y tomar posesión de la cosa objeto de litigio y restituir o dar lugar a derechos concedidos o en curso de concesión, admitir las pruebas del proceso.
- 7) Ratificar o no la agencia oficiosa.
- 8) Así mismo faculto (facultamos) a los mencionados apoderados para recibir notificaciones y designar apoderados judiciales o extrajudiciales, sustituir el presente poder y revocar las sustituciones que hicieren.

Dado y firmado en

a los días de

POWER OF ATTORNEY

I (we), the undersigned ANNE S. DOLLARD

legal representative(s) of XOMA Technology Ltd.

an organization existing under the laws of Bermuda

and in present execution of its business activity, domiciled at

2 Church Street, Hamilton, Bermuda

do hereby grant POWER OF ATTORNEY to DELIA MARIA RODRIGUEZ DALEMAN, Identification card No. 41.654.882 of Bogotá, and tp. 20834 and CLAUDIA LUCIA CARO RAMIREZ, tp. 34448, Identification card No. 48.017.374 of Tunja, residing in Bogotá, Colombia, to act in the order of their appointment in behalf of grantor before any entity, authority and/or natural or juridical person, specially before those Administrative, Administrative-Contratation, Judicial, arbitration courts, and/or any other, in all matters concerning the following:

- 1) To apply, process, obtain and/or register any of the modalities of Industrial Property, such as: Patents of Invention, Utility Models, Designs, plant varieties, marks, Slogans, Trade Names and emblems and appellations of Origin; as well as their renewals, assignments, changes of name and/or domicile, agreements and licenses.
- 2) To apply, process, obtain and/or register copyrights of any kind as well as protection of industrial secrets or know-how.
- 3) To apply, process, obtain and/or register auxiliary registrations, operating authorizations and/or licenses; as well as their renewals or assignments, changes of name and/or domicile, agreements and licenses.
- 4) To bring actions of opposition, observation, claims, reconsideration, appeal or legal remedies, cancellation, nullity, protection to the consumer, granting of license, protection of trade secrets and other actions related with rights derived from the above-mentioned matters and against the unfair competition, actions resulting from the obtaining or exploitation of license, recovering damages actions. They can also intervene or participate in Civil, Commercial, Criminal or Contencioso-Administrative Trials; the actions for writ mandamus, police actions; in actions, lawsuits or litigations instituted by the grantor or against him.
- 5) To register domain names before the competent entity.
- 6) To the effect of this mandate the above-named proxy are empowered to: conciliate, counsel, settle, submit to arbitration, withdraw and to receive and take possession of the litigation related object and waive or renounce the rights granted or in process of granting, admit the facts of the case.
- 7) To ratify or not the officious agency.
- 8) I (we) hereby appoint the above mentioned attorneys with powers to receive notifications and to designate judicial and extrajudicial attorneys, substitute this Power of Attorney and to revoke such substitutions.

Granted and signed at Berkeley, California, U.S.A.

the 1st day of February of 2007

Firma / signature

5398

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Alameda } ss.
On Feb. 1, 2007 before me, LISA M. Peterson, Notary Public
personally appeared Anne S. Dollard

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are 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.
[Signature]
Notary Public

Place Notary Seal Above

OPTIONAL

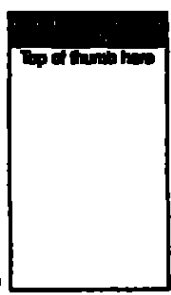
Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document
Title or Type of Document: Power of Attorney
Document Date: Feb. 1, 2007 Number of Pages: one
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____
☐ Individual
☒ Corporate Officer — Title(s): Asst. Secretary
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer is Representing: XOMA Technology Ltd.



540

State of California

SECRETARY OF STATE

APOSTILLE

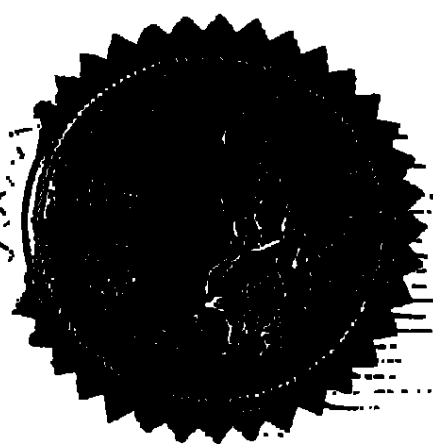
(Convention de La Haye du 5 octobre 1961)

- 1. Country: United States of America
This public document
- 2. has been signed by LISA M. PETERSON
- 3. acting in the capacity of Notary Public, State of California
- 4. bears the seal/stamp of LISA M. PETERSON, Notary Public,
State of California

CERTIFIED

- 5. At Sacramento, California
- 6. the 6th day of February 2007
- 7. by Deputy Secretary of State, State of California
- 8. No. 351831
- 9. Seal/Stamp:

10. Signature



Jana Bowen
Secretary of State

BY *B. Bowen*

541

ASSIGNMENT

THIS ASSIGNMENT, effective January 7, 2004, made by us, Cheng Liu, citizen of United States of America; Deborah Zimmerman, citizen of the United States of America; Gregory Harrowe, citizen of the United States of America; Kirston Kotha, citizen of the United States of America; W. Michael Kavanaugh, citizen of the United States of America; Li Long, citizen of the United States of America; and Maria Calderon-Cacia, citizen of the United States of America;

WITNESSETH: That,

WHEREAS, we, hereinafter referred to as **ASSIGNORS**, have invented certain new and useful improvements in **M-CSF-SPECIFIC MONOCLONAL ANTIBODY AND USES THEREOF** for which an international application under the Patent Cooperation Treaty (PCT) has been filed in the Receiving Office of the United States Patent and Trademark Office. The international application bears Application No. PCT/US2005/000546 and was filed on January 6, 2005. International Application No. PCT/US2005/000546 claims priority of U.S. Provisional Application Nos. 60/535,181, filed January 7, 2004; and 60/576,417, filed June 2, 2004. Both the international application and the U.S. Provisional applications will hereinafter be referred to as the subject applications.

WHEREAS, **CHIRON CORPORATION**, a Delaware corporation having a principal place of business at 4560 Horton Street, Emeryville, CA 94608-2916 USA, hereinafter referred to as **ASSIGNEE**, is desirous of confirming its ownership of the entire right, title and interest in and to said invention as described in the subject applications, and in and to any and all Letters Patent which shall be granted therefore in the United States of America and all foreign countries;

NOW, THEREFORE, To Whom It May Concern, be it known that for consideration of the sum of One Dollar (\$1.00) lawful money paid to **ASSIGNORS** by **ASSIGNEE**, the receipt and sufficiency of which is hereby acknowledged, we have sold and by these presents do hereby sell, assign, transfer and convey unto the said **ASSIGNEE**, its successors and assigns, the entire right, title and interest in and to the said invention and the subject applications, and in and to any and all continuations, continuations-in-part, or divisions thereof, and in and to any and all Letters Patent of the United States of America and all foreign countries or reissues or extensions thereof which may be granted therefore or thereon, for the full end of the term for which said Letters Patent may be granted, together with the right to claim the priority of the subject applications in all foreign countries in accordance

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with the International Convention, the same to be held and enjoyed by said *ASSIGNEE*, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by us if this assignment and sale had not be made.

ASSIGNORS hereby request that said Letters Patent be issued in accordance with this assignment.

ASSIGNORS further covenant and agree that, at the time of the execution and delivery of these presents, we possess full title to the invention and the subject applications above-mentioned, and that we have the unencumbered right and authority to make this assignment.

ASSIGNORS further agree that they will, without charge to said *ASSIGNEE*, but at *ASSIGNEE'S* expense, cooperate with *ASSIGNEE* in the prosecution of said application and/or applications, execute, verify, acknowledge and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof, and will perform such other acts as *ASSIGNEE* lawfully may request, to obtain or maintain Letters Patent for said invention and improvement in any and all countries, and to vest title thereto in said *ASSIGNEE*, or *ASSIGNEE'S* successors and assigns.

IN TESTIMONY WHEREOF, ASSIGNORS have hereunto signed their names to this assignment on the dates indicated below.

DATE _____
Cheng Liu

DATE _____
Deborah Zimmerman

DATE _____
Gregory Harrowe

544

ASSIGNMENT

THIS ASSIGNMENT, effective January 7, 2004, made by us, Cheng Liu, citizen of United States of America; Deborah Zimmerman, citizen of the United States of America; Gregory Harrowe, citizen of the United States of America; Kirston Koths, citizen of the United States of America; W. Michael Kavanaugh, citizen of the United States of America; Li Long, citizen of the United States of America; and Maria Calderon-Cacia, citizen of the United States of America;

WITNESSETH: That,

WHEREAS, we, hereinafter referred to as **ASSIGNORS**, have invented certain new and useful improvements in **M-CSF-SPECIFIC MONOCLONAL ANTIBODY AND USES THEREOF** for which an international application under the Patent Cooperation Treaty (PCT) has been filed in the Receiving Office of the United States Patent and Trademark Office. The international application bears Application No. PCT/US2005/000546 and was filed on January 6, 2005. International Application No. PCT/US2005/000546 claims priority of U.S. Provisional Application Nos. 60/535,181, filed January 7, 2004; and 60/576,417, filed June 2, 2004. Both the international application and the U.S. Provisional applications will hereinafter be referred to as the subject applications.

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with the International Convention, the same to be held and enjoyed by said *ASSIGNEE*, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by us if this assignment and sale had not been made.

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IN TESTIMONY WHEREOF, *ASSIGNORS* have hereunto signed their names to this assignment on the dates indicated below.

DATE May 1, 2001


Cheng Liu

DATE _____

Deborah Zimmerman

DATE _____

Gregory Harrowe

21
546

DATE _____

Kirston Koths

DATE _____

W. Michael Kavanaugh

DATE _____

Li Long

DATE _____

Maria Calderon-Cacia

ASSIGNMENT

THIS ASSIGNMENT, effective January 7, 2004, made by us, Cheng I. Ju, citizen of United States of America; Deborah Zimmerman, citizen of the United States of America; Gregory Harrowe, citizen of the United States of America; Kirston Koths, citizen of the United States of America; W. Michael Kavanaugh, citizen of the United States of America; Li Long, citizen of the United States of America; and Maria Calderon-Cacia, citizen of the United States of America;

WITNESSETH: That,

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WHEREAS, CHIRON CORPORATION, a Delaware corporation having a principal place of business at 4560 Horton Street, Emeryville, CA 94608-2916 USA, hereinafter referred to as *ASSIGNEE*, is desirous of confirming its ownership of the entire right, title and interest in and to said invention as described in the subject applications, and in and to any and all Letters Patent which shall be granted therefore in the United States of America and all foreign countries;

NOW, THEREFORE, To Whom It May Concern, be it known that for consideration of the sum of One Dollar (\$1.00) lawful money paid to *ASSIGNORS* by *ASSIGNEE*, the receipt and sufficiency of which is hereby acknowledged, we have sold and by these presents do hereby sell, assign, transfer and convey unto the said *ASSIGNEE*, its successors and assigns, the entire right, title and interest in and to the said invention and the subject applications, and in and to any and all continuations, continuations-in-part, or divisions thereof, and in and to any and all Letters Patent of the United States of America and all foreign countries or reissues or extensions thereof which may be granted therefore or thereon, for the full end of the term for which said Letters Patent may be granted, together with the right to claim the priority of the subject applications in all foreign countries in accordance

with the International Convention, the same to be held and enjoyed by said *ASSIGNEE*, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by us if this assignment and sale had not been made.

ASSIGNORS hereby request that said Letters Patent be issued in accordance with this assignment.

ASSIGNORS further covenant and agree that, at the time of the execution and delivery of these presents, we possess full title to the invention and the subject applications above-mentioned, and that we have the unencumbered right and authority to make this assignment.

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IN TESTIMONY WHEREOF, *ASSIGNORS* have hereunto signed their names to this assignment on the dates indicated below.

DATE _____
Cheng Liu

DATE _____
Deborah Zimmerman

DATE January 19, 2005 Greg Harrowe
Gregory Harrowe

549

DATE _____
Kirston Kothe

DATE _____
W. Michael Kavanaugh

DATE _____
Li Long

DATE _____
Maria Calderon-Cacia

ASSIGNMENT

THIS ASSIGNMENT, effective January 7, 2004, made by us, Cheng Liu, citizen of United States of America; Deborah Zimmerman, citizen of the United States of America; Gregory Harrowe, citizen of the United States of America; Kirston Koths, citizen of the United States of America; W. Michael Kavanaugh, citizen of the United States of America; Li Long, citizen of the United States of America; and Maria Calderon-Cacia, citizen of the United States of America;

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NOW, THEREFORE, To Whom It May Concern, be it known that for consideration of the sum of One Dollar (\$1.00) lawful money paid to *ASSIGNORS* by *ASSIGNEE*, the receipt and sufficiency of which is hereby acknowledged, we have sold and by these presents do hereby sell, assign, transfer and convey unto the said *ASSIGNEE*, its successors and assigns, the entire right, title and interest in and to the said invention and the subject applications, and in and to any and all continuations, continuations-in-part, or divisions thereof, and in and to any and all Letters Patent of the United States of America and all foreign countries or reissues or extensions thereof which may be granted therefore or thereon, for the full end of the term for which said Letters Patent may be granted, together with the right to claim the priority of the subject applications in all foreign countries in accordance

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IN TESTIMONY WHEREOF, *ASSIGNORS* have hereunto signed their names to this assignment on the dates indicated below.

DATE _____

Cheng Liu

DATE _____

Deborah Zimmerman

DATE _____

Gregory Harrowe

552

DATE _____

Kirston Koths

DATE _____

W. Michael Kavanagh

DATE _____

Li Long

DATE 8/24/14

Maria Calderon-Cacia
Maria Calderon-Cacia

553

ASSIGNMENT

THIS ASSIGNMENT, effective January 7, 2004, made by us, Cheng Liu, citizen of United States of America; Deborah Zimmerman, citizen of the United States of America; Gregory Harrowe, citizen of the United States of America; Kirston Kothe, citizen of the United States of America; W. Michael Kavanaugh, citizen of the United States of America; Li Long, citizen of the United States of America; and Maria Calderon-Cacia, citizen of the United States of America;

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554

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IN TESTIMONY WHEREOF, ASSIGNORS have hereunto signed their names to this assignment on the dates indicated below.

DATE _____

Cheng Liu

DATE _____

Deborah Zimmerman

DATE _____

Gregory Harrowe

5/1
555

DATE 1/6/06

Kirston Kothas

DATE _____

W. Michael Kavanaugh

DATE _____

Li Long

DATE _____

Maria Calderon-Cacia