

AS 101 956

Señores
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIVISION DE NUEVAS CREACIONES
E S D

REF Expediente No 06 087 550 - Solicitud de Patente Entrada en Fase Nacional
Corresp a la Solicitud Internacional PCT/IB2004/000674
a favor de **SYNTHES GmbH**
Titulada **FIJADOR EXTERNO PARA OSTEOSÍNTESIS**

JUAN PABLO CADENA SARMIENTO, vecino de Bogotá, portador de la tarjeta profesional No 57492, obrando como apoderado de la sociedad SYNTHES GmbH, según lo acredita el documento de poder presentado en esa División, me permito allegar

- 1 Documento donde consta la cesión del derecho a la Patente otorgado por los inventores al solicitante, debidamente apostillado, junto con su correspondiente traducción
- 2 Reporte de Examen Preliminar Internacional sobre Patentabilidad (Formas PCT/IB/338, PCT/IB/373 y PCT/ISA/237)
- 3 Extracto para Publicación y Tarjeta de Archivo Temático
- 4 Artes finales (2 de 12 cm X 12 cm) y 1 de 6 cm X 6 cm)

De la señora jefe atentamente,



JUAN PABLO CADENA SARMIENTO
C C No 80 410 337 de Usaquén
Carrera 7 # 71 - 21 Torre B - Piso 4

Bogotá 02 de enero de 2007
CHP/MEV/har

(21) N° de solicitud 06 087 550		(22) Fecha de solicitud 01-09-2006	
(51) Clasificación Internacional			
(71) Solicitante(s) SYNTHES GmbH			
(72) Inventor(es) Beat Strub Carlos Setzabal Martin Munch			
(74) Agente JUAN PABLO CADENA SARMIENTO			
(30) Prioridad	(31) No Prioridad	(32) Fecha	(33) País
(85) Fecha inicio fase nacional		(87) Publicación internacional	
(86) Datos relativos a la presentación de la solíc PCT		Fecha 06-10-2005	
Fecha de presentación de la solicitud 10-03-2004		No Publicación WO/2005/092220 A	
No de solicitud PCT/IB2004/000674			

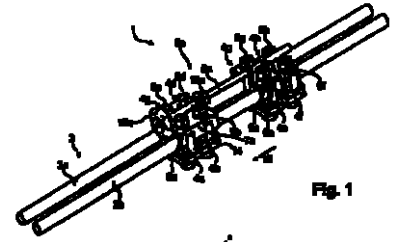


Fig. 1

(54) Título **FIJADOR EXTERNO PARA OSTEOSÍNTESIS**

(57) Resumen La invención se refiere a un fijador externo (1) para la osteosíntesis, donde se previó un marco (2) con al menos una varilla (3a, 3b) que recibe las cargas mecánicas y puede unirse con un hueso a través de elementos de unión, estando los elementos de unión unidos con el marco a través de mordazas de sujeción

CONTINUA AL RESPALDO

Se previó un módulo (5a), que puede colocarse sobre el marco y con el cual puede producirse un movimiento relativo de aproximación entre sí de dos fragmentos de hueso. El módulo presenta al menos dos componentes (6, 7), de los cuales puede unirse el primer componente (6a) con el marco y el segundo componente (7a) con al menos una mordaza de sujeción de un elemento de unión, que está unido con un fragmento de hueso. El módulo presenta además un elemento (8a), con el cual el segundo componente puede moverse respecto del primer componente, de modo que mediante este movimiento relativo puede moverse el fragmento de hueso unido a través de la mordaza de sujeción con el segundo componente.

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIVISION DE NUEVAS CREACIONES
EXTRACTO PARA PUBLICACIÓN
SOLICITUD DE PATENTE DE INVENCION PCT

(1) N° de solicitud 08 087 550					(51) Int Cl
22) Fecha de solicitud 01-09-2006					(71) Solicitante(s) SYNTHES GmbH
(30) Prioridad	(31) No. Prioridad	(32) Fecha	(33) País		(72) Inventor(es) Beat Strub Carlos Sotizabal Martín Münch
					(74) Agente JUAN PABLO CADENA SARMIENTO
(85)	Fecha inicio fase nacional				(87) Publicación internacional
(86)	Datos relativos a la presentación de la solicitud PCT				Fecha 06-10-2005
	Fecha de presentación de la solicitud 10-03-2004				N° publicación WO/2005/092220 A1
	No de solicitud PCT/IB2004/000674				
(54) Título	FIJADOR EXTERNO PARA OSTEOSÍNTESIS				

Resumen

La invención se refiere a un fijador externo (1) para la osteosíntesis, donde se previó un marco (2) con al menos una varilla (3a, 3b) que recibe las cargas mecánicas y puede unirse con un hueso a través de elementos de unión, estando los elementos de unión unidos con el marco a través de mordazas de sujeción. Se previó un módulo (5a), que puede colocarse sobre el marco y con el cual puede producirse un movimiento relativo de aproximación entre sí de dos fragmentos de hueso. El módulo presenta al menos dos componentes (6, 7), de los cuales puede unirse el primer componente (6a) con el marco y el segundo componente (7a) con al menos una mordaza de sujeción de un elemento de unión, que está unido con un fragmento de hueso. El módulo presenta además un elemento (8a), con el cual el segundo componente puede moverse respecto del primer componente, de modo que mediante este movimiento relativo puede moverse el fragmento de hueso unido a través de la mordaza de sujeción con el segundo componente.

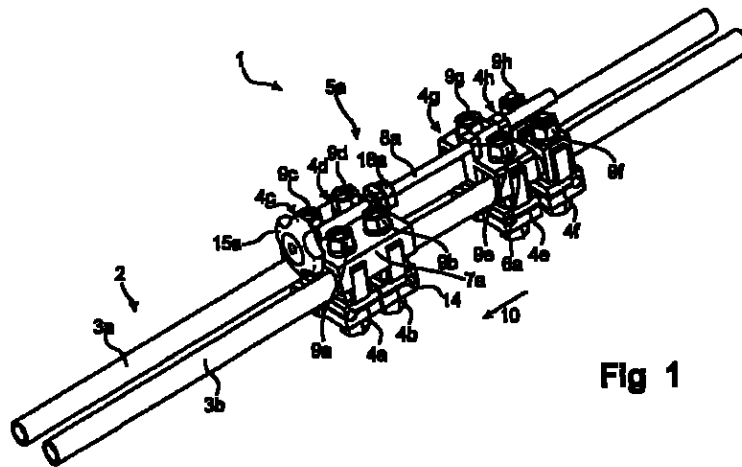


Fig 1

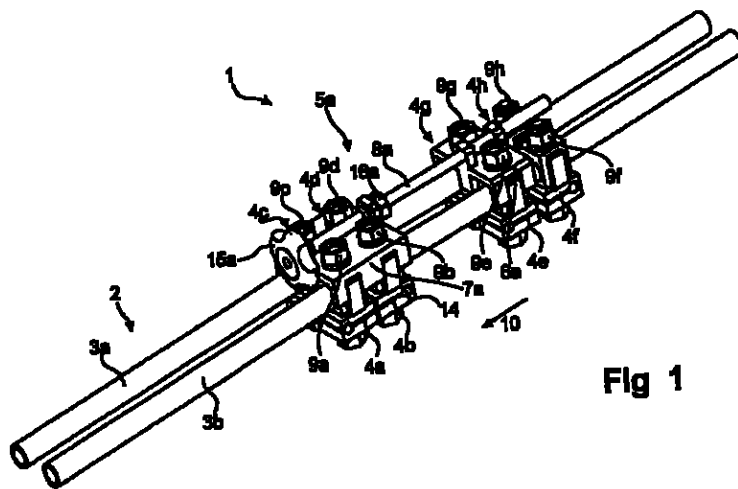


Fig 1

AS' 101256
11/2
F 63

**DOCUMENT OF ASSIGNMENT OF PATENT
APPLICATION**

ASSIGNMENT

The Undersigned Beat Strub, Carlos Satizabal and
Martin Münch

Acting as Inventors

Of Colombian Patent Appln No. 06 087 550
Entitled **EXTERNAL FIXER FOR OSTEOSYNTHESIS**

With domicile in Hübelstrasse 8 CH-4800 Olten,
Switzerland, Transerval 39 No 41 - 81, Bogotá D C
Colombia Gerberstrasse 17 CH-4410 Liestal
Switzerland

hereby declare that they assign all rights of ownership as
well as all rights and privileges relating thereto without
exception over the following application in Colombia
No. 06 087 550
Entitled **EXTERNAL FIXER FOR OSTEOSYNTHESIS**

to **SYNTHES GmbH**

Domiciled in Elmattstrasse 3, CH-4436 Oberdorf,
Switzerland

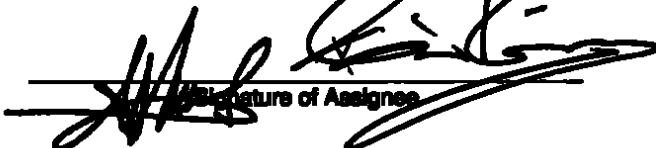
The assignor and the assignees sign this document as
proof of their acceptance of the assignment.

Given and signed on the _____ day

01 of 09 of 2006



Signature of Assignor



Signature of Assignee

Helene Schaub, LL M, MAES
Manager Legal Department

Ciro Römer
President EMEA

**DOCUMENTO DE TRASPASO DE SOLICITUD
DE PATENTE**

CESIÓN

El(los) suscrito(s) Beat Strub Carlos Satizabal y
Martin Münch

En calidad de Inventores

de Sol de patente en Colombia No. 06 087 550
Titulada

Con domicilio en Hübelstrasse 8, CH-4800 Olten
Suiza, Transerval 39 No. 41 81, Bogotá D C,
Colombia Gerberstrasse 17 CH-4410 Liestal,
Suiza

declaran por el presente documento que ceden
todos los derechos de propiedad que les
correspondan, así como las prerrogativas, sin
excepción alguna, sobre la siguiente solicitud en
Colombia 06 087 550 ,
No. _____
Titulada _____

a **SYNTHES GmbH**

Domiciliado en Elmattstrasse 3 CH-4436 Oberdorf
Suiza

El cedente y el cesionario firman este documento
como prueba de su aceptación de la cesión.

Dado y firmado a los _____ días del mes de
de 200__

Firma del cedente

Firma del cesionario

WHD CAN

NOTARIAL CERTIFICATION

The undersigned Notary certifies That the preceding signatures of Helene Schaub, Ciro Römer and Carlos Satzabal are authentic and that the signatures currently act in the position of Manager Legal Department/ President EMEA / Inventor of the company Synthes GmbH, a company currently existing and organized under the laws of Switzerland, that the adress is Elmallstrasse 3, 4436 Oberdorf, Switzerland

The Notary Public is aware and attests to the above facts upon examination of the corresponding documents

Given and signed in 4437 Waldenburg, Switzerland

On october 31, 2006




Herr Simon Stemmer
Notar

DOCUMENT OF ASSIGNMENT OF PATENT APPLICATION

ASSIGNMENT

The Undersigned Beat Strub, Carlos Satzabal and Martin Münch

Acting as Inventors

Of Colombian Patent Appln No. 06 087 550
Entitled EXTERNAL FIXER FOR OSTEOSYNTHESIS

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Switzerland Transerval 39 No 41 81 Bogotá D C
Colombia Gerbenstrasse 17 CH-4410 Liestal
Switzerland

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exception over the following application in Colombia.

No 06 087 550
Entitled EXTERNAL FIXER FOR OSTEOSYNTHESIS

to SYNTHES GmbH

Domiciled in Elmattstrasse 3 CH-4438 Oberdorf
Switzerland

The assignor and the assignees sign this document as
proof of their acceptance of the assignment

Given and signed on the 07 day
of Sept of 2006.

Beat Strub
Signature of Assigner

[Signature]
Signature of Assignee

Helene Scheub, LL M, MAES
Manager Legal Department

Ciro Römer
President EMEA

DOCUMENTO DE TRASPASO DE SOLICITUD DE PATENTE

CESIÓN

El(los) suscritor(es) Beat Strub, Carlos Satzabal y Martin Münch

En calidad de Inventores

de Sol de patente en Colombia No 06 087 550
Titulada.

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Suiza Transerval 39 No 41 81 Bogotá D C
Colombia Gerbenstrasse 17 CH-4410 Liestal
Suiza

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excepción alguna, sobre la siguiente solicitud en

Colombia 06 087 550
No
Titulada

a SYNTHES GmbH

Domiciliado en Elmattstrasse 3 CH-4438 Oberdorf
Suiza

El cedente y el cesionario firman este documento
como prueba de su aceptación de la cesión

Dado y firmado a los días del mes de
de 2006.

Firma del cedente

Firma del cesionario

NOTARIAL CERTIFICATION

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The Notary Public is aware and attests to the above facts upon examination of the corresponding documents

Given and signed In 4437 Waldenburg, Switzerland

On october 31, 2006




lic iur Simon Stemmer
Notar

7 65

DOCUMENT OF ASSIGNMENT OF PATENT APPLICATION

ASSIGNMENT

The Undersigned Beat Strub, Carlos Satizabal and Martin Münch

Acting as Inventors

Of Colombian Patent Appln No. 06 087 550
Entitled EXTERNAL FIXER FOR OSTEOSYNTHESIS

With domicile in Hübelstrasse 6, CH-4600 Otten
Switzerland Transversal 39 No. 41 81 Bogotá D C
Colombia Gerberstrasse 17, CH-4410 Liestal
Switzerland

hereby declare that they assign all rights of ownership as
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No 06 087 550
Entitled EXTERNAL FIXER FOR OSTEOSYNTHESIS

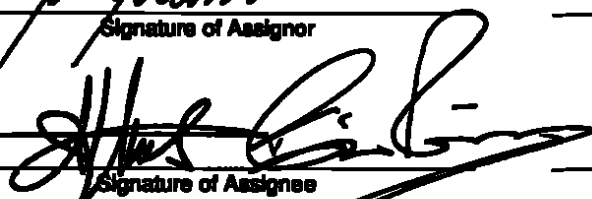
to SYNTHES GmbH

Domiciled in Elmattstrasse 3 CH-4436 Oberdorf
Switzerland

The assignor and the assignee sign this document as
proof of their acceptance of the assignment.

Given and signed on the 4th day
of October of 2006.


Signature of Assignor


Signature of Assignee

Helene Schaub, LL.M., MAES
Manager Legal Department

Ciro Römer
President EMEA

DOCUMENTO DE TRASPASO DE SOLICITUD DE PATENTE

CESIÓN

El/los suscrito(s) Beat Strub, Carlos Satizabal y Martin Münch

En calidad de Inventores

de Sol de patente en Colombia No 06 087 550
Titulada

Con domicilio en Hübelstrasse 6 CH-4600 Otten
Suiza Transversal 39 No. 41 81 Bogotá D C
Colombia Gerberstrasse 17, CH-4410 Liestal
Suiza

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todos los derechos de propiedad que les
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excepción alguna sobre la siguiente solicitud en
Colombia
No 06 087 550
Titulada

a SYNTHES GmbH

Domiciliado en Elmattstrasse 3 CH-4436 Oberdorf
Suiza

El cedente y el cesionario firman este documento
como prueba de su aceptación de la cesión

Dado y firmado a los días del mes de
de 200_

Firma del cedente

Firma del cesionario

121211

NOTARIAL CERTIFICATION

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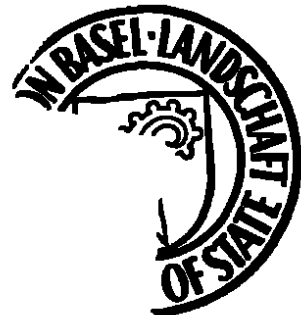
The Notary Public is aware and attests to the above facts upon examination of the corresponding documents

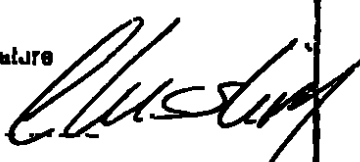
Given and signed in 4437 Waldenburg, Switzerland

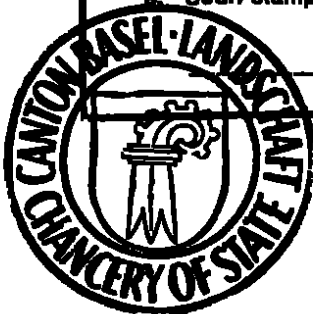
On october 31, 2006




Herr Simon Stemmer
Notar



A L	
(Convent on ce La Haye du 5 octobre 951)	
1 Country Switzerland	The public document
2 has been signed by	<u>Simon Stemmer</u>
3 acting in the capacity of	<u>notary</u>
4 bears the seal / stamp of	<u>Bezirkschreiberei</u> <u>Waldenburg</u>
Certified	
5 at Lies'al	6. the <u>2 11 2006</u>
7 by CHANCERY OF STATE OF CANTON BASEL-LANDSCHAFT	
8 No <u>3339</u>	
9 Seal / stamp	10 Signature 



Cornelia Kießling
Weibeldienst

TRADUCCION OFICIAL NO 951/2006

EL TEXTO QUE SIGUE ES TRADUCCION FIEL Y COMPLETA DE UN DOCUMENTO ESCRITO EN FRANCES. LLEVA LA FIRMA Y EL SELLO DE HELENA URIBE DE LEMOINE, TRADUCTORA E INTERPRETE OFICIAL POR RESOLUCION NO. 3818 DEL MINISTERIO DE JUSTICIA DE COLOMBIA, DE FECHA 8 DE SEPTIEMBRE, 1972.

TRADUCCION DE LOS SELLOS QUE SE ENCUENTRAN EN EL DOCUMENTO DE TRASPASO DE SOLICITUD DE PATENTE EFECTUADO POR BEAT STRUB, CARLOS SATIZABAL Y MARTIN MUNCH, ACTUANDO COMO INVENTORES, A SYNTHES GmbH DOMICILIADA EN ELMATTSTRASSE 3, CH-4436 OBERDORF, SUIZA

FECHA 01 09 2006

EL CEDENTE

FIRMADO CARLOS SATIZABAL

LOS CESIONARIOS

FIRMADO HELENE SCHAUB, LL M , MAES

GERENTE DEPARTAMENTO LEGAL

FIRMADO CIRO RÔMER, PRESIDENTE EMEA

CERTIFICACION NOTARIAL

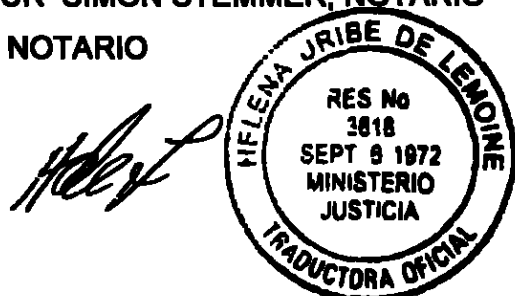
EL SUSCRITO NOTARIO CERTIFICA Que las firmas que preceden de Helene Schaub, Ciro Römer y Carlos Satizabal son auténticas y que dichas firmas corresponden a los cargos de Gerente Departamento Legal/ Presidente de EMEA/ Inventor, respectivamente, de la Compañía Synthes GMBH, una Compañía que existe y está constituida bajo las leyes de Suiza y que su dirección es Eimattstrasse 3, 4436 Oberdorf, Suiza

El Notario Publico certifica que los anteriores hechos le constan después de haber examinado los documentos respectivos

Expedido y firmado en 4437 Waldenburg, Suiza el 31 de Octubre de 2006

FIRMADO LIC IUR SIMON STEMMER, NOTARIO

HAYSELLO DEL NOTARIO



9 67

TRADUCCION OFICIAL NO 951/2006

TRADUCCION DE LOS SELLOS QUE SE ENCUENTRAN EN EL DOCUMENTO DE TRASPASO DE SOLICITUD DE PATENTE EFECTUADO POR BEAT STRUB, CARLOS SATIZABAL Y MARTIN MUNCH, ACTUANDO COMO INVENTORES, A SYNTHES GmbH DOMICILIADA EN ELMATTSTRASSE 3, CH-4436 OBERDORF, SUIZA

FECHA 07 09 2006

EL CEDENTE

FIRMADO BEAT STRUB

LOS CESIONARIOS

FIRMADO HELENE SCHAUB, LL M , MAES

GERENTE DEPARTAMENTO LEGAL

FIRMADO CIRO RÖMER, PRESIDENTE EMEA

CERTIFICACION NOTARIAL

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FIRMADO LIC IUR SIMON STEMMER, NOTARIO

HAYSELLO DEL NOTARIO



TRADUCCION OFICIAL NO 951/2006

TRADUCCION DE LOS SELLOS QUE SE ENCUENTRAN EN EL DOCUMENTO
DE TRASPASO DE SOLICITUD DE PATENTE EFECTUADO POR BEAT STRUB,
CARLOS SATIZABAL Y MARTIN MUNCH, ACTUANDO COMO INVENTORES, A
SYNTHESES GmbH DOMICILIADA EN ELMATTSTRASSE 3, CH-4436
OBERDORF, SUIZA

FECHA 04 10 2006

EL CEDENTE

FIRMADO MARTIN MUNCH

LOS CESIONARIOS

FIRMADO HELENE SCHAUB, LL M, MAES

GERENTE DEPARTAMENTO LEGAL

FIRMADO CIRO RÖMER, PRESIDENTE EMEA

CERTIFICACION NOTARIAL

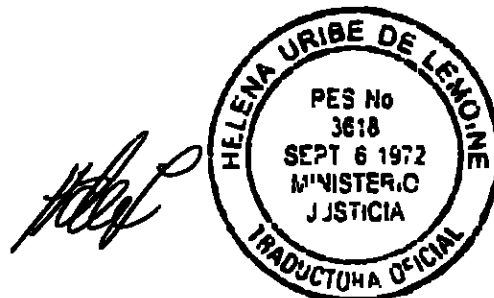
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Expedido y firmado en 4437 Waldenburg, Suiza el 31 de Octubre de 2006

FIRMADO LIC IUR SIMON STEMMER, NOTARIO

HAYSELLO DEL NOTARIO



TRADUCCION OFICIAL NO 951/2006

APOSTILLA

CONVENIO DE LA HAYA DEL 5 DE OCTUBRE DE 1961

1 PAIS SUIZA

EL PRESENTE DOCUMENTO PUBLICO

2 HA SIDO FIRMADO POR SIMON STEMMER
3 ACTUANDO EN SU CAPACIDAD DE NOTARIO
4 LLEVA EL SELLO DE BERIRKSSCHEIBERE WALDENBURG

CERTIFICADO

5 EN LIES'AL 6 EL 2 DE NOVIEMBRE DE 2006
7 POR LA CANCELLERIA DE ESTADO DEL CANTON DE BASEL-
LANDSCHAFT

8 BAJO EL NO 3339

9 SELLO CANCELLERIA DE ESTADO - CANTON DE BASEL, LANDSCHAFT

10 FIRMADO CORNELIA KISSLING, FUNCIONARIA

LA TRADUCTORA OFICIAL



HELENA URIBE DE LEMOINE



23.11.2006 10:19:32
CANTON DE BASEL, LANDSCHAFT
CANCELLERIA DE ESTADO
CORNELIA KISSLING
FUNKENSTADT 4050
07.11.2006 10:19:32

MINISTERIO DE
RELACIONES EXTERIORES

533101

Shelvin Dure
CUYA FIRMA APARECE EN EL
DOCUMENTO DESEMPEÑA
LAS FUNCIONES INDICADAS

NO SE ASUME
RESPONSABILIDAD DEL TEXTO

2006 NOV 29 P 1 04

UCB
JEFE DE LEGALIZACIONES
BOGOTÁ D.C.

PATENT COOPERATION TREATY

PCT/IB2004/000674

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis 3(e) and 72.2)

To

ROSENICH, Paul
Patentbüro Paul Rosenich AG
BGZ
FL-8497 Triesenberg
LIECHTENSTEIN

EINGEGANGEN

10. Nov. 2006

TL 09.01.2007 ✓
Anhangen gemäß
Rechtsberatung

ERDF-GC7

Date of mailing (day/month/year)
09 November 2006 (09 11 2006)

Applicant's or agent's file reference
ST032WO

IMPORTANT NOTIFICATION

International application No
PCT/IB2004/000674

International filing date (day/month/year)
10 March 2004 (10 03.2004)

Applicant

SYNTHES GMBH et al

1 Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I)



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II)

2 Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request.

AE AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, GR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3 Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, 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 (Chapter II)

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

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

Authorized officer

Cecile Chatel

Facsimile No. +41 22 338 82 70

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13 71

PATENT COOPERATION TREATY

PCT

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

(PCT Rule 44bis)

Applicant's or agent's file reference ST032WO	FOR FURTHER ACTION		See item 4 below
International application No. PCT/IB2004/000874	International filing date (day/month/year) 10 March 2004 (10.03.2004)	Priority date (day/month/year)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant SYNTHES GMBH			

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 6 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: <table><tr><td>☒</td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td>☐</td><td>Box No. II</td><td>Priority</td></tr><tr><td>☐</td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td>☐</td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td>☒</td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability - citations and explanations supporting such statement</td></tr><tr><td>☐</td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td>☐</td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td>☐</td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>			☒	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
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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 22 338 82 70		Date of issuance of this report 01 November 2006 (01 11 2006) Authorized officer Cecile Chatel e-mail pt13@wipo.int
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PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43b/e 1)

To

Date of mailing See form PCT/ISA/210
(day/month/year)

Applicant's or agent's file reference ST032NO		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/IB2004/000674	International filing date (day/month/year) 10 03 2004	Priority date (day/month/year)
International Patent Classification (IPC) or both national classification and IPC A61B17/64, A61B17/66		
Applicant SYNTHES GMBH		

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 43b/e.1(a)(1) 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 66.1b(a)(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/EP	Authorized officer
Facsimile No.	Telephone No.

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/IB2004/000674

Box No. 1 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 Rule 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 the 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(s) 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.

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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY		International application No. PCT/IB2004/000674
Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability- claims and explanations supporting such statement		
1 Statement		
Novelty (N)	Claims 2-3, 6-9	YES
	Claims 1, 4, 5, 10	NO
Inventive step (IS)	Claims	YES
	Claims 1-10	NO
Industrial applicability (IA)	Claims 1-10	YES
	Claims	NO
2 Claims and explanations.		
1 The present opinion makes reference to the following documents		
D1 US 5 207 676 A (WAGENKNECHT MARCEL H ET AL) 4 May 1993 (1993-05-04)		
D2 US 3 961 854 A (JAQUET HENRI) 8 June 1976 (1976-06-08)		
D3 US 6 036 691 A (RICHARDSON) 14 March 2000 (2000-03-14)		
2 INDEPENDENT CLAIM 1		
2 1 Document D1 discloses (the references between parentheses relate to said document) an external fixer (figure 1) having a frame with a rod (1), connecting means (25, 35), clamping jaws (21, 31) and a module (6) The module (6) can optionally be placed onto the frame (1) and has two components (first component 601, second component 608) and the movement means (606)		
The subject matter of said claim is therefore not novel (PCT Article 33(2))		
2 2 Document D2 also discloses an external fixer		

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IB2004/000674

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

according to claim 1 (figure 8)

3 DEPENDENT CLAIMS 2-10

Claims 4, 6-10 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step

3 1 Document D1 also discloses

[claim 4] the threaded spindle (606),
[claim 5] the recess (column 4, lines 24-32),
[claim 10] the display (11)

The subject matter of claims 4-5 and 10 is therefore not novel (PCT Article 33(2))

3 2 [Claim 2] The two rods which are arranged in parallel are only one of several obvious possibilities from which a person skilled in the art would choose according to the circumstances in order to have an anti-rotation means without a rod having a square section as in document D1, without thereby being inventive

The subject matter of claim 2 therefore does not involve an inventive step

3 3 [Claim 3] The module which is fastened to two clamping jaws is only one of several obvious possibilities from which a person skilled in the art would choose according to the circumstances, without thereby being inventive, if only two clamping jaws are necessary (cf in this regard document D3, figure 2)
The subject matter of claim 3 therefore does not involve an inventive step

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/IB2004/000674

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

3 4 [Claim 6] The holes are only one of several obvious possibilities from which a person skilled in the art would choose according to the circumstances, without thereby being inventive, in order to fasten the first or second component to a clamping jaw

The subject matter of claim 6 therefore does not involve an inventive step

3 5 [Claims 7-9] The lightweight metal (D1, column 6, lines 64-65), the electric drive and the incremental limiter are only several obvious possibilities from which a person skilled in the art would choose according to the circumstances for an external fixer, without thereby being inventive

The subject matter of claims 7-9 therefore does not involve an inventive step