

Señores

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIVISIÓN DE NUEVAS CREACIONES

E S D

Expediente No 06-100 766

Solicitud de Patente de Invención titulada "DISPOSITIVO MECANICO PARA
MEZCLAR UNA MUESTRA DE FLUIDO CON UNA SOLUCION DE TRATAMIENTO"
Solicitante METRIKA, INC

RESPUESTA AL OFICIO N° 13896 NOTIFICADO
POR FIJACION EN LISTA No 425 DE FECHA 1 DE DICIEMBRE DE 2006,
(EXAMEN DE FORMA)

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

1 En respuesta a la primera observación del Examinador, me permito aclarar al Despacho que la presente solicitud entra en Fase Nacional Capítulo I y no Capítulo II como inicialmente se presentó Para tal efecto, adjunto copia del Reporte Preliminar Internacional de Patentabilidad, el cual, valga aclarar, no contiene anexos

2 En respuesta a la segunda observación del Examinador, me permito aportar, junto al presente memorial, el documento de cesión debidamente legalizado, junto con su correspondiente traducción, según lo previsto en el Art 26- k de la Decisión 486

3 En respuesta a la tercera observación del Examinador, me permito adjuntar copia
autentica del poder a mi conferido por mí representada segun lo previsto en los Articulos 63 y
subsiguientes del Código de Procedimiento Civil

Atentamente,



J IAN RAISBECK
C C N° 79 376 996 de Bogotá
T P 135 799 CSJ

Anexo Reporte Preliminar Internacional de Patentabilidad
Documento de Cesión
Copia autentica del Poder

PCT

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

(PCT Rule 44bis)

Applicant's or agent's file reference 033819-095	FOR FURTHER ACTION	See item 4 below
International application No PCT/US2005/007275	International filing date (<i>day/month/year</i>) 07 March 2005 (07 03.2005)	Priority date (<i>day/month/year</i>) 05 March 2004 (05 03.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant METRIKA, INC		

- 1 This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis 1(a).
- 2 This REPORT consists of a total of 5 sheets including this cover sheet.
- In the attached sheets any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead
- 3 This report contains indications relating to the following items
- | | |
|---|--|
| ☒ Box No I | Basis of the report |
| ☐ Box No II | Priority |
| ☐ Box No III | Non-establishment of opinion with regard to novelty inventive step and industrial applicability |
| ☐ Box No IV | Lack of unity of invention |
| ☒ Box No V | Reasoned statement under Article 35(2) with regard to novelty inventive step or industrial applicability, citations and explanations supporting such statement |
| ☐ Box No VI | Certain documents cited |
| ☐ Box No VII | Certain defects in the international application |
| ☒ Box No VIII | Certain observations on the international application |
- 4 The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis 1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis 2).

	Date of issuance of this report 18 October 2006 (18 10.2006)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20 Switzerland Facsimile No +41 22 338 82 70	Authorized officer Ellen Moyse e-mail pt05 wipo.int

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To
DAVID R. HECKADON
BURNS, DOANE, SWICKER & MATHIS, LLP
P.O. BOX 1404
ALEXANDRIA, VA 22313-1404

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **21 SEP 2006**

Applicant's or agent's file reference

XMET-1035047

FOR FURTHER ACTION

See paragraph 2 below

International application No

PCT/US05/07275

International filing date (day/month/year)

07 March 2005 (07.03.2005)

Priority date (day/month/year)

05 March 2004 (05.03.2004)

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

IPC: G01N 33/53(2006 01)

USPC: 436/808,811

Applicant

METRIKA, INC.

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. (571) 273-3201

Date of completion of this opinion

21 August 2006 (21.08.2006)

Authorized officer

Bill Warden

Telephone No. 571-272-1700

Form PCT/ISA/237 (cover sheet) (April 2005)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US03/07275

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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
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) 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

- ☐ on paper
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in electronic 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:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US03/07275

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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 NONE YES
Claims 1-38 NO

Inventive step (IS)

Claims NONE YES
Claims 1-38 NO

Industrial applicability (IA)

Claims 1-38 YES
Claims NONE NO

2 Citations and explanations:

Claims 1-38 lack novelty under PCT Article 33(2) as being anticipated by GAMBLE (US 2004/0069076). In Figures 5 and 7 Gamble discloses a sample processing system with a first portion with a septum piercing projection and a capillary channel (part 119) and a second portion with two septums (parts 109 and 325) and a treatment solution chamber (part 523). The fluid sample moves from the capillary device into the treatment solution chamber, then the second septum is pierced to remove the treated sample for analysis.

Claims 1-38 lack novelty under PCT Article 33(2) as being anticipated by DAHM (US 2005/0014273 A1). In Figure 10, Dahm discloses a sample processing device with a first portion with a septum piercing projection and a capillary channel (part 9) and a second portion with two septums (parts 75 and 13) on opposing sides of treatment solution chamber (part 6). The fluid sample moves from the capillary device into the treatment solution chamber, then the second septum is pierced to remove the treated sample for analysis.

Claims 22-32 lack novelty under PCT Article 33(2) as being anticipated by ACETI (US 6,540,675). See Figure 7E.

Claims 1-38 lack an inventive step under PCT Article 33(3) as being obvious over STONE (US 4,713,974). Stone teaches an analytical device with a capillary channel and septum piercing portion and a second portion containing a septum and treatment solution chamber. It would have been obvious to modify the device and method of Stone by placing a septum at the bottom of vial 77 in order to eliminate the separated steps of drawing up sample then adding it to another vial before analyzing it in the HPLC column.

Claims 1-38 lack an inventive step under PCT Article 33(3) as being obvious over COX (US 4,935,010). In Figure 7 Cox discloses a device for sampling that includes a capillary channel and two septums (parts 4 and 65) sealing the treatment solution center (part 6). However, Cox does not teach using this device for use in an analytical meter. It would have been obvious to modify the Cox device in order to test a patient's reaction to the treatment solution prior to infusing it.

Claims 8-11, 33-38 lack an inventive step under PCT Article 33(3) as being obvious over SEARTLE (US 5,912,134). In Figures 13A and 13B, Seartle teaches the method steps of the instant application using a different device.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US05/07275

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claims 22 and 29 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claims 22 and 29 indefinite for the following reason(s): the treatment solution chamber lacks structural connection to the first end portion. It is unclear where the treatment solution chamber is located relative to the first portion of the device.

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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 fue firmado Por M K Carter

3 Actuando en su calidad de Funcionario de
Certificaciones

4 Lleva el sello de la Oficina de Marcas y Patentes de
los Estados Unidos

Se certificó

5 En Washington, D C

6 El dieciséis de Enero de 2007

7 Por parte del funcionario de autenticaciones del
Departamento de Estados Unidos

8 Bajo el número 07010057-3

9 Aparece sello del Departamento de Estados Unidos de
America

10 Firmado por Sonya N Johnson

ESTADOS UNIDOS DE AMÉRICA

A QUIEN PUEDA INTERESAR

Departamento de Comercio de los Estados Unidos

Oficina de Marcas y Patentes

19 de diciembre de 2006

POR MEDIO DEL PRESENTE SE CERTIFICA QUE ADJUNTA SE
ENCUENTRA UNA COPIA FIEL DE LOS REGISTROS DE ESTE DESPACHO,
QUE CORRESPONDE A UN DOCUMENTO REGISTRADO EL 19 DE ABRIL DE
2005

Por autoridad del secretario de Comercio para Propiedad
Intelectual, y Director de la Oficina de Marcas y Patentes
de los Estados Unido

(Fdo) M K CARTER

Funcionario Certificador

Sello de la Oficina de Marcas y Patentes

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Al Honorable Comisionado de Marcas Registradas y Patentes
Favor registrar los documentos originales adjuntos o copia
de los mismos

1 Nombre de las partes que otorgan la cesión

Hoa Nguyen, Urs A Ramel y Jeffrey A Pierce

Nombres de cedentes adicionales? [no]

2 Nombre y dirección de la parte beneficiaria de la
cesión

Nombre Metrika, Inc

Dirección 510 Oakmead Parkway

Sunnyvale, CA 94085-4022

Se adjuntan nombres o direcciones adicionales? [no]

3 Naturaleza del Traspaso [x] Cesión

Fecha de ejecución 3 de marzo de 2005 y 31 de marzo de
2005

4 Número de solicitud de patente o número de patente

A Solicitud de Patente No 11/013 510

B Patente No (s)

Se adjuntan números adicionales? [no]

5 Nombre y dirección de la parte a quien se debe dirigir
la correspondencia en relación con el documento

Nombre David R Heckadon

Dirección Burns, Doane, Swecker & Mathis, L L P

Customer Number 21839

P O Box 1404

Alexandria, Virginia 22313-1404

6 Total de Solicitudes y Patentes [1]

7 Total derechos pagados (37CFR 3 41) US\$40 oo (8021)

Se autoriza cargo a la cuenta de depósito? [si]

8 Número de la Cuenta donde se hace el cargo 02-4800

9 Declaracion y firma

Según mi leal saber y entender, la información precedente
es verídica y cualquier copia adjunta corresponde al
documento original

(Fdo) David R Heckadon, Re No 50 184 Fecha 19/04/2005

No Total de páginas incluyendo hoja introductoria [4]

Registro de Patente No 016107 Marco 0582

X
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PC
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Referencia del Abogado No 033819-085

**CESION DEL INVENTORES
(CONJUNTA)**

Este documento de cesión, por Hoa Nguyen, Urs A Ramel y Jeffrey A Pierce domiciliados en 5657 Crow Lane, San Jose, California 95123, 1331 Los Arboles Avenue, Sunnyvale, California 94087 y 1708 Edgewood Road, Reedwood City, California 94062 (de aquí en adelante llamados "los cedentes"), respectivamente, testificamos

CONSIDERANDO QUE, los cedentes hemos realizado un invento y mejora útil en **DISPOSITIVO MECANICO PARA MEZCLAR UNA MUESTRA DE FLUIDO CON UNA SOLUCION DE TRATAMIENTO** manifestamos que la solicitud de patente de los Estados Unidos es una

- (1) ☐ solicitud provisional
 - (a) ☐ solicitud No _____, y presentada el _____,
 - (b) ☐ será presentada con, ó
- (2) ☒ ninguna solicitud provisional
 - (a) ☒ solicitud No 11/043 510, y presentada el 25 de enero de 2005,
 - (b) teniendo una declaración ejecutada en cualquier evento anterior a la presentación de la solicitud,
 - (c) teniendo una declaración ejecutada en una fecha diferente a esta cesión, y

CONSIDERANDO QUE, Metrika Inc, una sociedad legalmente organizada y constituida bajo las leyes de California,

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Estados Unidos de América, cuya oficina comercial es 510 Oakmead Parkway, Sunnyvale, California 94085-4022, (de aquí en adelante denominado como "el cesionario"), desea adquirir la totalidad del derecho, título e interés en y a dicha invención, el derecho a presentar solicitudes en dicha invención y en todos los derechos, títulos e intereses en y a cualquier solicitud, incluyendo solicitudes provisionales para las patentes en los Estados Unidos ú otros países reivindicando prioridad en dicha solicitud, y en y a cualesquiera de las cartas de patentes o patentes, en los Estados Unidos o fuera de él, por lo tanto para ser obtenidas por él

POR CONSIGUIENTE, en contraprestación onerosa y suficiente, cuyo recibo se acusa por el presente, nosotros hemos vendido, cedido y transferido y por el presente vende, cede y transfiere a la CESIONARIA, y a sus sucesores, cesionarios y representantes legales, la totalidad del derecho, título e interés exclusivo en y a la invención arriba mencionada, el derecho a presentar solicitudes de dicha invención y el derecho total, título e interés en y cualesquier solicitud de las cartas de patentes de los Estados Unidos u otros países reivindicando prioridad sobre dicha solicitud, y cualquier y todas las cartas de patentes o patentes de los Estados Unidos de América y todos los países extranjeros, puede concederse por consiguiente y sobre, y en y a cualquiera y todas las solicitudes que reivindiquen prioridad sobre dicha solicitud, divisiones, continuaciones, y continuaciones parciales, de dichas solicitud, y re-expediciones y extensiones de dicha solicitud de patente o patente, y todos los derechos bajo la Convención Internacional para la Protección de la Propiedad Industrial, serán tenidos y gozado por dicha CESIONARIA para su propio uso y de sus sucesores, cesionarios y representantes legales, serán disfrutados por

los mismos durante la totalidad del término de todas y cualesquiera patentes que se otorguen tan amplia y totalmente como habrían sido mantenidas por nosotros en caso de que esta Cesión no se hubiera efectuado

Y, por la misma consideración, los Cedentes pactan por la presente y están de acuerdo a y con el Cesionario, sus sucesores, los representantes legales, y las cesiones, que en el momento de ejecución y entrega del presente, los Cedentes son los únicos y legales dueños de la totalidad del derecho, título e interés en y a las invenciones en adelante en las aplicaciones y dichas aplicaciones, mientras incluyendo las aplicaciones provisionales, antedicho, y que el mismo es saneado, y que los Cedentes tienen derecho total y pleno de la autoridad legal para vender y llevar el mismo de la manera aquí dentro pactada

Y, por la misma consideración, los Cedentes por la presente y están de acuerdo a y con el Cesionario, sus sucesores, los representantes legales, y las cesiones que los cedentes quieran, siempre y cuando lo aconseje el cesionario o los consejos de sus sucesores, los representantes legales y cesiones, deben informar que cualquier procedimiento con respecto a dicha invención o a dicha solicitud de patente, o patentes, o cualquier procedimiento con respecto a patente o patentes de dicha invención en cualquier país, incluyendo intervención de procedimientos, de ser legal y requerido, o que cualquier solicitud que reivindique prioridad para dicha, solicitud, división, continuación o parte de una continuación, de cualquier solicitud de patente o patentes o cualquier republicaciones o extensión de cualquier solicitud de patente o patentes que sea concedida de ahora en adelante, de ser legal y requerido, firmar todos los papeles y documentos, aceptar todos las

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declaraciones juramentadas legales, y hacer todo lo necesario o requerido para hacer su obtención, sostenimiento, aplicación, y defensa de la patente o patentes de dicha invención, sin cargos para el cesionario, sus sucesores y representantes legales y cesiones, excepto los costos y gastos del cesionario sus sucesores y representantes legales y cesiones

El Cedente por el presente otorga a la firma **BURNS, DOANE, SWECKER & MATHIS, L L P** la facultad y autoridad para insertar en los espacios el título de la invención, fecha de presentación, solicitud, número, y referencia de abogado para dicha solicitud cuando esta sea conocida

El Cedente por medio de la presente solicita al Comisionado de Patentes la concesión de todas las patentes en los Estados Unidos a favor del cesionario de dicha invención, las patentes a ser publicadas deben ser únicamente para el uso y en nombre del cesionario, sucesores y representantes legales y cesiones

Fecha 4/31/2005

(Fdo) Hoa Nguyen

Fecha 3/30/2005

(Fdo) Urs A Ramel

Fecha 3/30/2005

(Fdo) Jeffrey A Pierce

APOSTILLE
(Convention de La Haye du 5 octobre 1961)

1 Country *United States of America*

This public document

2 has been signed by M K Carter

3 acting in the capacity of Certifying Officer

4 bears the seal/stamp of Patent and Trademark Office

Certified

5 at Washington, D C

6 the sixteenth of January, 2007

7 by *Assistant Authentication Officer United States Department of State*

8 No 07010057-3

9 Seal/Stamp

10 Signature

Sonya N Johnson

17
98

A 1558609

THE UNITED STATES OF AMERICA

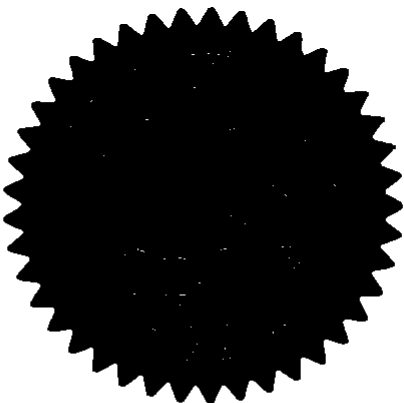
TO ALL TO WHOM THESE PRESENTS SHALL COME:

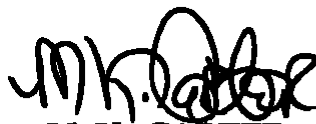
**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

December 19, 2006

**THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE
RECORDS OF THIS OFFICE OF A DOCUMENT RECORDED ON
APRIL 19, 2005**

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**




M. K. CARTER
Certifying Officer

13
99

Substitute for Form PTO-1585

RECORDATION FORM COVER SHEET PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

Attorney's Docket No. 033819-085

To the Director of the United States Patent and Trademark Office Please record the attached original documents or copy thereof

1 Name of conveying party(ies)

Hoa Nguyen Urs A. Ramel and Jeffrey A. Pierce

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3 Nature of conveyance

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other

Execution Date 3/30/05 and 3/31/05

2 Name and address of receiving party(ies)

Name Metrika Inc.

Address

510 Oakmead Parkway
Sunnyvale CA 94085-4022Additional name(s) & addresses attached? ☐ Yes ☒ No

4 Application number(s) or patent number(s)

If this document is being filed together with a new application, the execution date of the application is _____

A Patent/Application No (s)

11/013 510

B Patent No (s)

Additional numbers attached? ☐ Yes ☒ No

5 Name and address of party to whom correspondence concerning document should be mailed

Name David R. Heckadon

Address

Burns Doane Swecker & Mathis LLP
Customer Number 21839
P.O. Box 1404
Alexandria Virginia 22313-1404

6 Total number of applications and patents involved

1

7 Total fee (37 CFR 3.41).

\$

\$40.00 (8021)

☐ Enclosed☒ Authorized to be charged to deposit account☐ Credit card Form PTO-2038 is attached

8 Deposit account number

02-4800

(Attach duplicate copy of this page if paying by deposit account.)

DO NOT USE THIS SPACE

9 Statement and Signature

To the best of my knowledge and belief the foregoing information is true and correct and any attached copy is a true copy of the original document.

David R. Heckadon

Name of Person Signing

50,184

Reg. No.

Signature

April 19 2005

Date

Total number of pages including cover sheet, attachments and documents

4

Mail documents to be recorded with required cover sheet information to
Director of the United States Patent and Trademark Office / Mail Stop Assignment Recordation Services
P.O. Box 1450 / Alexandria VA 22313-1450

700172192

PATENT
REEL 016107 FRAME 0582

Attorney Docket No 033819-085

ASSIGNMENT (JOINT)

THIS ASSIGNMENT, by Hoa Nguyen, Urs A. Ramel and Jeffrey A. Pierce, residing at 5857 Crow Lane, San Jose, California 95123, 1331 Los Arboles Avenue, Sunnyvale, California 94087 and 1708 Edgewood Road, Redwood City, California 94062 (hereinafter referred to as "the Assignors"), respectively witnesseth

WHEREAS the Assignors have invented certain new and useful improvements in MECHANICAL DEVICE FOR MIXING A FLUID SAMPLE WITH A TREATMENT SOLUTION set forth in an application for Letters Patent of the United States which is a

- (1) ☐ provisional application
- (a) ☐ bearing Application No _____ and filed on _____
- (b) ☐ to be filed herewith or
- (2) ☒ non-provisional application
- (a) ☒ bearing Application No 11/043,510, and filed on January 25, 2005,
- (b) ☐ having an oath or declaration executed on even date herewith prior to filing of application
- (c) ☐ having an oath or declaration executed on a different date than this Assignment, and

WHEREAS, Melika, Inc a corporation duly organized under and pursuant to the laws of California, US and having a principal place of business at 510 Oakmead Parkway, Sunnyvale, California 94086-4022 (hereinafter referred to as "the Assignee") is desirous of acquiring the entire right, title, and interest in and to said inventions, the right to file applications on said inventions and the entire right title and interest in and to any applications including provisional applications for Letters Patent of the United States or other countries claiming priority to said application, and in and to any Letters Patent or Patents United States or foreign, to be obtained therefor and thereon

NOW, THEREFORE for good and sufficient consideration, the receipt of which is hereby acknowledged the Assignors have sold, assigned transferred, and set over and by these presents do sell, assign transfer, and set over unto the Assignee its successors legal representatives and assigns the entire right, title, and interest in and to the above-mentioned inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications for Letters Patent of the United States or other countries claiming priority to said applications and any and all Letters Patent or Patents of the United States of America and all foreign countries that may be granted therefor and thereon, and in and to any and all applications claiming priority to said applications, divisions, continuations and continuations-in-part of said applications, and reissues and extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by the Assignee, for its own use and behoof and the use and behoof of its successors, legal representatives, and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted as fully and entirely as the same would have been held and enjoyed by the Assignors had this sale and assignment not been made

AND for the same consideration the Assignors hereby covenant and agree to and with the Assignee, its successors, legal representatives, and assigns that, at the time of execution and delivery of these presents, the Assignors are the sole and lawful owners of the entire right, title and interest in and to the inventions set forth in said applications and said applications, including provisional applications above-mentioned, and that the same are unencumbered, and that the Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth,

28

101

Application No 11/043,510
Attorney Docket No 033819-085

AND for the same consideration, the Assignors hereby covenant and agree to and with the Assignee its successors, legal representatives, and assigns that the Assignors will, whenever counsel of the Assignee or the counsel of its successors legal representatives and assigns shall advise that any proceeding in connection with said inventions or said applications for Letters Patent or Patents, or any proceeding in connection with Letters Patent or Patents for said inventions in any country including interference proceedings, is lawful and desirable, or that any application claiming priority to said application division continuation or continuation-in-part of any applications for Letters Patent or Patents or any reissue or extension of any Letters Patent or Patents to be obtained thereon is lawful and desirable sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance enforcement, and defense of Letters Patent or Patents for said inventions without charge to the Assignee its successors, legal representatives, and assigns but at the cost and expense of the Assignee its successors legal representatives, and assigns

AND the Assignors hereby authorize and request the attorneys of Burns Doane, Swecker & Mathis, L L P to insert in the spaces provided above the title of the invention, filing date, application number, and attorney's docket number of said application when known

AND the Assignors hereby request the Commissioner of Patents to issue any and all said Letters Patent of the United States to the Assignee as the Assignee of said inventions, the Letters Patent to be issued for the sole use and behoof of the Assignee, its successors, legal representatives, and assigns

DATE 2/31/2005DATE 3/30/2005DATE 3/30/2005

Nk D Ng 250

Hoa Nguyen

Urs A. Ramel

Urs A. Ramel

Jeffrey A. Pierce

Jeffrey A. Pierce

Nota del traductor

El documento adjunto de poder de Metrika, Inc , a Carlos R Olarte y/o
J Ian Raisbeck y/o Ana Maria Frien y/o Juan Guillermo Moure y/o
Natalia Castro lleva los siguientes datos en ingles

RECONOCIMIENTO

Estado de California

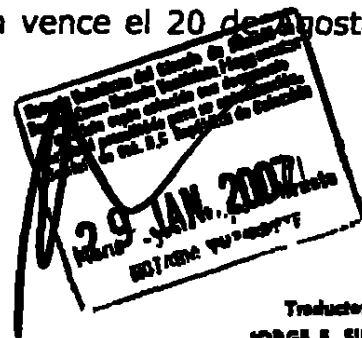
Condado de Santa Clara

El dia 16 de Octubre de 2006, ante mi, Pavneet Singh, Notario Publico,
se presento personalmente Andrew Galligan, a quien conozco
personalmente (o comprobo su identidad ante mi satisfactoriamente)
como a persona cuyo nombre está suscrito al documento y reconocio
ante mi que ejecuto el mismo en su calidad autorizada y que por su
firma en el instrumento, la persona o la entidad en cuyo nombre actuo,
ejecuto el instrumento

En constancia firmo y pongo mi sello oficial (Firmado)

Sello Pavneet Singh, comision No 1596611 - Notario Publico de
California, Condado de Santa Clara Mi comision vence el 20 de agosto
de 2009

Apostilla adjunta



Traductor Oficial
JORGE L. SIERRA REYES
Licencia 376 - 1993 Mendocino

ESTADO DE CALIFORNIA	
SECRETARIO DE ESTADO	
APOSTILLE	
(Convention de La Haye du 5 octobre 1961)	
1 Pais	Estados Unidos de America
	<u>El presente documento publico</u>
2 Ha sido firmado por	Pavneet Singh
3 Actuando en calidad de	Notario Publico, Estado de California
4 Lleva el sello/estampilla de	Pavneet Singh, Notario Publico, Estado de California
	<u>Certificado</u>
5 En	Sacramento, California
6 El	Dia 19 de Octubre de 2006
7 Por	Subsecretario de Estado, Estado de California
8 Bajo el No	316917
9 Sello	Gran Sello del Estado de California
10 Firma	Bruce McPherson, Secretario de Estado
	Por Jaime Winkel

Certificacion

Certifico que la presente es una traduccion verdadera y completa del documento adjunto "Metrika - Poder"

Fecha 8 de Noviembre de 2006

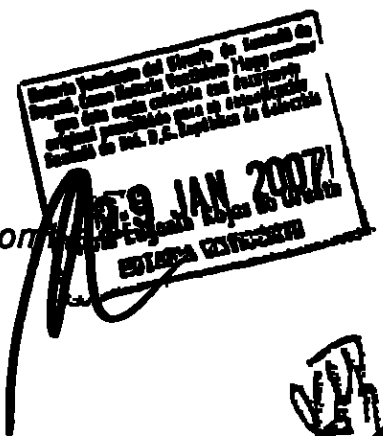
Traductor Jorge Enrique Sierra Reyes

Licencia No 376 de 1993, del Ministerio de Justicia

Direccion Carrera 15 No 99-13 Oficina 411 Bogotá, Colombia

Telefono (57-1) 2182308, (57-1) 6232925

E-mail treseser1@yahoo.com No 8776



Traductor Oficial
JORGE E. SIERRA REYES
Licencia 376-1993 Ministerio de Justicia

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104

State of California

SECRETARY OF STATE

APOSTILLE

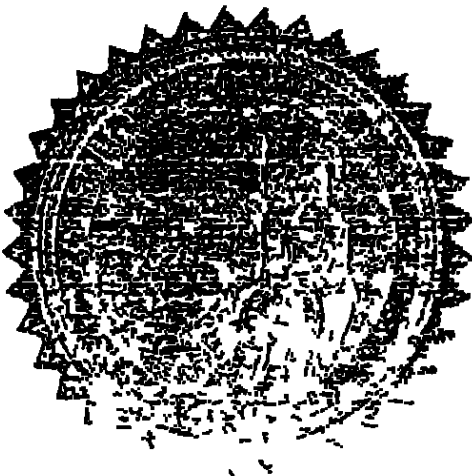
(Convention de La Haye du 5 octobre 1961)

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

CERTIFIED

- 5 At Sacramento, California
- 6 the 19th day of October 2006
- 7 by Deputy Secretary of State, State of California
- 8 No 316917
- 9 Seal/Stamp

10 Signature



Pavneet Singh

Secretary of State

Jaime Wink

Power of Attorney

Poder

Alejandro
Camilo A. Roca
Of Counsel
Guillermo Chabón
Griselda Melo
Jacqueline Chaparro
Cruz E. de Montcalano

The undersigned,

El suscrito,

METRIKA, INC

domiciled in

domiciliado en

510 Oakmead Parkway, Sunnyvale, California 94085-4022, U.S.A.

by means of these presents hereby grants to Carlos R. Olarte and/or J. Ian Raisbeck and/or Ana María Frieri and/or Juan Guillermo Moure and/or Natalia Castro full and sufficient Power of Attorney to file, prosecute, obtain, defend and enforce any and all of the company's Patents for Inventions, Utility Models, Layout-Designs (topographies) of Integrated Circuits, Industrial Designs, Trademarks, Advertising Slogans, Trade Names, Commercial Emblems, Geographical Indications, Protection of Trade Secrets, Obtainer's Certificates, Copyrights, Registration of Domain Names, Health Registrations, or any other intellectual property right in the Republic of Colombia, to which end it empowers them to take all steps necessary before any administrative or judicial authority of any class for the objects stated, to file petitions, recourses, replies and oppositions, pay taxes and annuities, request testimonies, receive documents and securities, abandon applications, collect refunds, desert, settle, conciliate or negotiate. Sufficient power is hereby granted to receive notifications on behalf of the Company, to confer powers on those who are to represent the company judicially and extrajudicially, to answer in court in the matter of all claims and demands that may be presented in connection with the objects stated, giving them likewise power to substitute these presents and revoke such substitutions.

por medio del presente otorga a Carlos R. Olarte y/o J. Ian Raisbeck y/o Ana María Frieri y/o Juan Guillermo Moure y/o Natalia Castro poder especial, amplio y suficiente para presentar, tramitar, obtener, defender y hacer respetar todas y cualquiera de las Patentes de Invención, Modelos de Utilidad, Esquemas de Trazados de Circuitos Integrados, Diseños Industriales, Marcas, Lemas Comerciales, Nombres Comerciales, Enseñas Comerciales, Denominaciones de Origen, Protección de Secretos Empresariales, Certificados de Obtentor, Derechos de Autor, Registro de Nombres de Dominio, Registros Sanitarios, o cualquier otro bien de propiedad intelectual de la compañía en la República de Colombia, a cuyo efecto los faculta para dar todos los pasos necesarios ante cualquier autoridad administrativa o judicial de cualquier jerarquía para cumplir con lo encomendado, elevar solicitudes, recursos, respuestas y oposiciones, pagar impuestos y anualidades, solicitar testimonios, recibir documentos y valores, desistir, transigir, y percibir. Se concede poder bastante para recibir notificaciones a nombre de la compañía, otorgar poderes a quienes vayan a representar a la compañía judicial y extrajudicialmente, responder en juicio a todas las reclamaciones o demandas que por motivo de lo encomendado se presentaren, dándoles asimismo facultad para sustituir el presente y revocar dichas sustituciones.

(sig)

Signature/Firma. **Andrew Galligan**

VP Finance & CFO Metrika, Inc

Date/Fecha 16 October, 2006

City/Country/Ciudad/País Sunnyvale, California, U S A



Power of Attorney

Poder

The undersigned,

El suscrito,

METRIKA, INC

domiciled in

domiciliado en

510 Oakmead Parkway, Sunnyvale, California 94085-4022, U S.A.

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(sig)

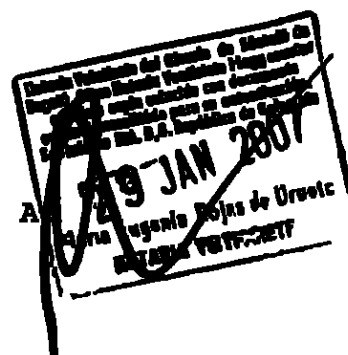


Signature/Firma **Andrew Galligan**

VP Finance & CFO Metrika, Inc

Date/Fecha **16** October, 2006

City/Country/Ciudad,País **Sunnyvale, California, U S A**



ACKNOWLEDGMENT

State of California
County of Santa Clara

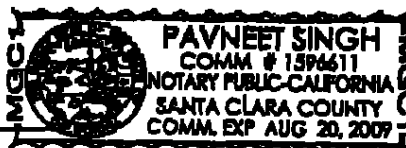
On 10/16/2006 before me, PAVNEET SINGH (Notary Public)
(here insert name and title of the officer)

personally appeared Andrew Galligan

personally known to me (or 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 Pavneet Singh



(Seal)

