

Señora Jefe
DIVISIÓN DE NUEVAS CREACIONES
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
Bogotá, D.C.

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
Rad: 08-113490-00002-0000
FEC: 2008-12-29 10:42:28 Dep. 2000 NUEVAS CREACIONES
TR: 11 PATENTES
EVS: 3/8 PASADONALIA
Act 444 RESPUESTA DEQUE Folio: 12

Re.: Expediente No. 06 113.490
Fase Nacional Solicitud de Patente PCT
a nombre de
SYNTHES GMBH
Código 011 - 378 - 444

En relación con la solicitud contenida en el expediente de la referencia y, en particular, para dar respuesta a su último requerimiento hecho dentro del mismo, dentro del término conferido, por medio del presente escrito me permito manifestarle:

1. Acompaño copia certificada del documento donde consta la cesión del derecho a la patente de los Inventores:

- David S. Rathbun
- Sean S. Suh
- Christoph Andreas Roth
- Lan Anh N. Duong

a favor de la sociedad Synthes (U.S.A.), debidamente firmado, autenticado por Notario Público y legalizado por Apostilla.

2. Acompaño copia certificada del documento donde consta la cesión del derecho a la patente de la sociedad Synthes (U.S.A.) a favor de la

sociedad solicitante Synthes GmbH, debidamente firmado, autenticado por
Notario Público y legalizado por Apostilla.

Le solicito se sirva agregar este escrito y sus anexos al expediente y continuar
con el trámite de la solicitud.

De Usted Atentamente,

GERMAN CASTILLO GRAU
T.P. No. 2978 del C.S.J.

Apostille

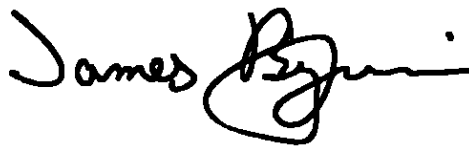
(Convention de La Haye du 5 Octobre 1961)

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1. Country: **United States of America**
This public document
2. has been signed by **Nancy T. Sunshine**
3. acting in the capacity of **County Clerk**
4. bears the seal/stamp of the county of **Kings**

Certified

5. At New York, New York
6. the 28th day of November 2006
7. by Special Deputy Secretary of State, State of New York
8. No. NYC-10228124B
9. Seal/Stamp
10. Signature



James Bizzarri
Special Deputy Secretary of State

.....
County, the same being a Court of Record, having a seal, DO HEREBY CERTIFY. That
.....

whose name is subscribed to the deposition, certificate of acknowledgment or proof of the annexed instrument, was at the time taking the same a NOTARY PUBLIC in and for the State of New York, duly commissioned and sworn and qualified to act as such throughout the State of New York; that pursuant to law a commission, or a certificate of his appointment and qualifications, and his autograph signature, have been filed in my office; that as such Notary Public he was duly authorized by the laws of the State of New York to administer oaths and affirmations, to receive and certify the acknowledgment or proof of deeds, mortgages, powers of attorney and other written instruments for lands, tenements and hereditaments to be read in evidence or recorded in this State; to protest notes and to take and certify affidavits and depositions; and 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 believe that the signature is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court and County this
day of

Nov 21 2008
William J. Sunshine
Clerk

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 April 9, 2004 by David S. Rathbun, Sean S. Suh and Lan Anh Duong, and executed on April 12, 2004 by Christoph Andreas Roth to SYNTHES U.S.A. of United States and corresponding foreign rights in connection with U.S. Serial No. 10/823,215 filed April 12, 2004.


Courtney Manning

Subscribed and sworn to before me this 17th day of
October, 2006.


Notary Public

JAMAL PARKER
Notary Public, State of New York
No. 01PA8042838
Qualified in Kings County
Certificate Filed in New York County
Commission Expires June 5, 2010

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ASSIGNMENT

WHEREAS, WE, David S. RATHBUN, citizen of USA, residing at 742 Newport Avenue, Apt. 5, Gap, PA 17572, USA; Sean S. SUH, citizen of USA, residing at 173 Wildflower Drive, Plymouth Meeting, PA 19462, USA; Christoph Andreas BOTH, citizen of Germany, residing at 1109 Timberland Drive, West Chester, PA 19380, USA; and Lam Anh DUONG, citizen of USA, residing at 22 Hawthorne Drive, Denver, PA 17517, USA; ASSIGNORS, are the inventors of the invention FREE HAND DRILL GUIDE for which we have executed an application for a Patent of the United States

☐ which is executed ☐ even date herewith or ☐ _____

☒ which is executed concurrently herewith,

☒ which is identified by Pennie & Edmonds LLP docket no. 8932-890-999

AND WHEREAS, SYNTHES U.S.A., ASSIGNEE a general partnership existing under the laws of the Commonwealth of Pennsylvania and having a place of business at 1690 Russell Road, Paoli, PA 19301, 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 reissues 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 reissues 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, reissue 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 hereunto set our hands and seals the day and year set opposite our respective signatures.

NYID: 1901778.1

00010827

Date: 09 APR 04, 2004 David S. Rathbun L.S.
David S. RATHBUN

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State of Pennsylvania
County of Chester) SS.:

On 4/9/04, 2004, before me, Katherine C. Orse, Notary Public, personally appeared David S. RATHBUN, 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

Notarial Seal
Katherine C. Orse, Notary Public
East Goshen Twp., Chester County
My Commission Expires June 25, 2006
Member, Pennsylvania Association Of Notaries

Date 4/9/04, 2004 Sean S. Suh L.S.
Sean S. SUH

State of Pennsylvania
County of Chester) SS.:

On 4/9/04, 2004, before me, Katherine C. Orse, Notary Public, personally appeared Sean S. SUH, 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

Notarial Seal
Katherine C. Orse, Notary Public
East Goshen Twp., Chester County
My Commission Expires June 25, 2006
Member, Pennsylvania Association Of Notaries

Date April 12, 2004 Christoph Andreas Roth L.S.
Christoph Andreas ROTH

State of Pennsylvania
County of Chester) SS.:

On April 12, 2004, before me, Katherine C. Orse, Notary Public, personally appeared Christoph Andreas ROTH, 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

Notarial Seal
Katherine C. Orse, Notary Public
East Goshen Twp., Chester County
My Commission Expires June 25, 2006
Member, Pennsylvania Association Of Notaries

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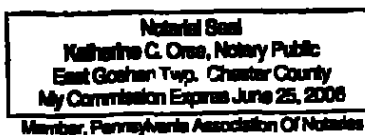
78

Date April 09, 2004 Lan Anh Duong L.S.
Lan Anh DUONG

State of Pennsylvania
County of Chester) SS.:

On 4/9/04, 2004, before me, Katherine C. Orse, Notary Public, personally appeared Lan Anh DUONG, 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



NYSD 1501770.1

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Apostille

(Convention de La Haye du 5 Octobre 1961)

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1. Country: **United States of America**

This public document

2. has been signed by **Nancy T. Sunshine**

3. acting in the capacity of **County Clerk**

4. bears the seal/stamp of the county of **Kings**

Certified

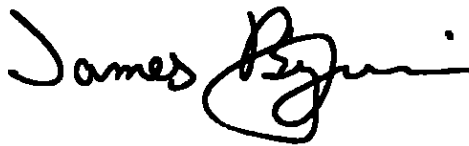
5. At New York, New York 6. the 28th day of November 2006

7. by Special Deputy Secretary of State, State of New York

8. No. NYC-10228125B

9. Seal/Stamp

10. Signature



James Bizzarri
Special Deputy Secretary of State

State of New York }
County of Kings }

3159 Form 1

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ss.: WILBUR A. LEVIN, Clerk of the County of Kings, and also Clerk of the Supreme Court for the said County, the same being a Court of Record, having a seal, DO HEREBY CERTIFY, That

.....
whose name is subscribed to the deposition, certificate of acknowledgment or proof of the annexed instrument, was at the time taking the same a NOTARY PUBLIC in and for the State of New York, duly commissioned and sworn and qualified to act as such throughout the State of New York; that pursuant to law a commission, or a certificate of his appointment and qualifications, and his autograph signature, have been filed in my office; that as such Notary Public he was duly authorized by the laws of the State of New York to administer oaths and affirmations, to receive and certify the acknowledgment or proof of deeds, mortgages, powers of attorney and other written instruments for lands, tenements and hereditaments to be read in evidence or recorded in this State; to protest notes and to take and certify affidavits and depositions; and 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 believe that the signature is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court and County this

.....
Wm. J. Sunshine
Clerk

NOV 21 2006

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 29, 2006 by **SYNTHES (USA)** to **SYNTHES GmbH** of United States and corresponding foreign rights in connection with U.S. Serial No. 10/823,215 filed April 12, 2004.

Courtney Manning
Courtney Manning

Subscribed and sworn to before me this 17th day of
October, 2006.

Notary Public

JAMAL PARKER
Notary Public, State of New York
No. 01PA6042638
Qualified in Kings County
Certificate Filed in New York County
Commission Expires June 8, 2010

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ASSIGNMENT

WHEREAS, Synthes (USA), ASSIGNOR, a Partnership organized under the laws of the Commonwealth of Pennsylvania and having a place of business at 1302 Wrights Lane East, West Chester, PA 19380, has all right, title and interest in United States Patent Application Ser. No. 10/823,215, recorded Attorney Docket No. 8932-890-999 (Z32232-999136), which was filed with the United States Patent and Trademark Office on April 12, 2004, entitled FREE HAND DRILL GUIDE and all inventions described, disclosed or claimed therein (hereinafter "the Invention");

AND WHEREAS, Synthes GmbH, ASSIGNEE, having a place of business at Elmstrasse 3, 4436 Oberdorf, Switzerland, is desirous of obtaining the entire right, title and interest to and under the Invention, including the right to bring an action and recover damages for past infringements, if any, in all geographic locations except the United States and its possessions and territories, Canada and its possessions and territories, the Bahamas, and Bermuda (hereinafter "the Excluded Geographic Locations");

AND WHEREAS, ASSIGNOR, is desirous of assigning its entire right, title and interest to the Invention in all geographic locations except the Excluded Geographic Locations to the ASSIGNEE, including the right to bring an action and recover damages for past infringement, if any;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the said ASSIGNOR, has sold, assigned, transferred and set over, and does hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, all ASSIGNOR'S rights, title and interest in the Invention in all geographic locations except the Excluded Geographic Locations including the right to bring an action and recover damages for past infringement, if any; and all rights, title and interest in any corresponding patent applications and all divisions, renewals and continuations thereof, and all Patents which may be granted thereon and all renewals and extensions thereof; 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 all geographic locations except the Excluded Geographic Locations, and all extensions, renewals and renewals thereof;

NOW, THEREFORE, ASSIGNEE shall obtain all said rights, title and interest in the Invention in all geographic locations except the Excluded Geographic Locations;

AND ASSIGNOR HEREBY covenants and agrees that it has not executed, and will not execute, any agreement in conflict herewith.

NYJD-16327-1

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AND ASSIGNOR HEREBY further covenants and agrees that it will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to it respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue 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 geographic locations except the Excluded Geographic Locations.

AND ASSIGNOR HEREBY further covenants and agrees that it has read this Assignment, knows and understands its contents, and comprehends and agrees to all of its terms, conditions and meanings and their significance.

IN TESTIMONY WHEREOF, the person executing this Assignment in a representative capacity on behalf of the ASSIGNOR warrants that he/she is fully authorized and empowered to do so and sets his/her hand and seal the day and year set with his/her signature.

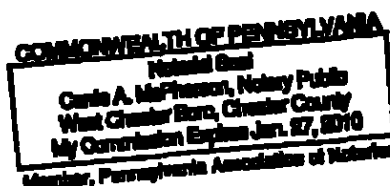
ASSIGNOR: Synthes (USA)
Robert M. Ranker Authorized to sign on behalf of Synthes (USA)
Signature: *Robert M Ranker*
Position/Title: Chief Patent Counsel
Address: 1302 Wright Lane East
 West Chester, Pennsylvania 19380
Date: September 29, 2006

Commonwealth of Pennsylvania)
) ss:
County of Chester)

On September 29, 2006, before me, Carole A. McPherson, Notary Public, personally appeared Robert M. Ranker, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his 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

Carole A. McPherson



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ASSIGNEE: Synthes GmbH
Robert M. Ranker Authorized to sign on behalf of Synthes GmbH
Signature: Robert M Ranker
Position/Title: Chief Patent Counsel
Address: 1302 Wrights Lane East
West Chester, Pennsylvania 19380
Date: September 29, 2006

Commonwealth of Pennsylvania)
County of Chester) ss.)

On September 29, 2006 before me, Cecile A. McPherson, Notary Public, personally appeared Robert M. Ranker, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his 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

Cecile A. McPherson

