

HUMBERT RUBI & IA.

ABOGADOS

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E-mail rubiolaw@cable.net.co
Apartado Aereo 21848
Bogotá, D.C. - Colombia

Doctora

Alix Carmenza CESPEDES DE VERGEL

JEFE DIVISIÓN DE NUEVAS CREACIONES

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

E. S. D.

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

Rad 06-122406-00003-0000

Fec 2007-03-08 10:56:50 Dep 2020 NUECREACIONES

Tra 11 PATENTE/II

Eve 378 FASENACIONALI

Act 444 RESPUESTAREQUE Fotos 14

REF: Expediente No.
Patente de Invención:

06-122.406

**"FORMA CRISTALINA DE
CLORHIDRATO DE (-)-
(1R,2R)-3-(3-DIMETILAMINO-
1-ETIL-2-METILPROPI)-
FENOL"**

Titular:

GRÜNENTHAL GmbH

DESTINO: 444

HUMBERTO RUBIO CAMACHO, mayor de edad, domiciliado en Bogotá, D.C., identificado con la cédula de ciudadanía número 17.192.062 de Bogotá, abogado titulado con Tarjeta Profesional No. 50.007 del Consejo Superior de la Judicatura, actuando en carácter de **APODERADO** de la Sociedad **GRÜNENTHAL GmbH**, domiciliada en Zieglerstrasse 6, 52078 Aachen, Alemania; encontrándome dentro del término legal, para dar respuesta la auto proferido por su Despacho mediante Oficio No. 2786 notificado por fijación en lista de 02 de marzo de 2.007, me permito anexar:

- 1.- Fotocopia auténtica del documento de Poder otorgado a mi favor por la sociedad **GRÜNENTHAL GmbH** junto con el certificado notarial que acredita la debida existencia y representación legal de mi representada; debidamente legalizado por el sistema de Apostille, traducido oficialmente del idioma Alemán al Español y avalado por el Ministerio de Relaciones Exteriores de Colombia.
- 2.- Adicionalmente, con el ánimo de complementar la presente solicitud, acompaño copia del reporte preliminar internacional de patentabilidad, capítulo I PCT (Formato PCT/IB/373).

Teniendo en cuenta lo anterior solicito respetuosamente continuar con el trámite correspondiente, por lo que expresamente renuncio al término que me ha sido conferido.

De la Señora Jefe de División,



HUMBERTO RUBIO CAMACHO

C.C. 17.192.062 de Bogotá

**T.P. 50.007 Consejo Superior
de la Judicatura.**

COD. 4134

06/1249/P000596

Cpfm.-





HUMBERTO RUBIO & CIA LTDA.
ABOGADOS

Propiedad Industrial e Intelectual

PODER

El abajo firmado

GRUNENTHAL GmbH

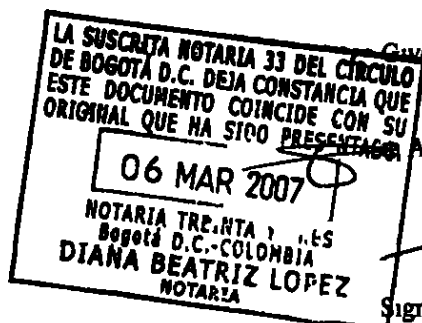
domiciliado en

Zieglerstraße 6, D-52078
Aachen, Alemania

por el presente conferimos poder amplio y suficiente a HUMBERTO RUBIO CAMACHO y/o TINEKE STOL TERZANI y/o HUMBERTO RUBIO STOL domiciliados en Bogotá, Colombia, para solicitar de las oficinas y autoridades correspondientes la obtención de registros, renovaciones, traspasos y en general todo lo relacionado con el mantenimiento, obtención y protección de sus marcas de fábrica, denominaciones comerciales, marcas de comercio y patentes, licencias sanitarias a cuyo efecto le faculta para dar ante dichas autoridades todos los pasos necesarios en cumplimiento del objeto indicado, elevar solicitudes, descripciones, protestas, declaraciones, apelaciones y reclamos, abonar todos los impuestos y cuotas de cualquier otros pagos determinados por la Ley, recibir todos los documentos presentados, solicitar testimonios, desistir y enmendar solicitudes, cobrar y percibir para oponerse y protestar contra cualquier solicitud, que a juicio del apoderado, pudieran prestarse a confusión o infringir o de cualquier modo perjudicar las marcas, denominaciones o patentes del Mandante. A los mandatarios se les otorga autorización amplia y bastante para contestar todos los reclamos y las demandas presentadas ante autoridades administrativas y judiciales, desistir de procedimientos, transar conflictos, pudiendo así mismo sustituir este Poder en todo o en parte y revocar dichas sustituciones

Dado y firmado hoy

en



BOGOTA - COLOMBIA

Para patentes, modelos, dibujos, marcas de fábricas de comercio y servicio, casellas y nombres comerciales. Licencias y registros sanitarios

For patents, designs, trademarks, designs, commercial names. License health registrations

POWER OF ATTORNEY

The undersigned

GRUNENTHAL GMBH

from

Zieglerstraße 6, D-52078 Aachen, Germany

hereby grant full and sufficient Power of Attorney to a HUMBERTO RUBIO CAMACHO y/o TINEKE STOL TERZANI y/o HUMBERTO RUBIO STOL from Bogotá, Colombia, to apply to the proper officers and authorities for the issue of registrations, renewals, assignments, proofs of renewals and in general all that is related to the maintenance, obtention and protection of its trademarks, tradenames, commercial marks, patents and sanitary licenses, to which end it empowers them to take all steps necessary before said authorities for the object stated, to file petitions, prepare descriptions, make protests, declarations, appeals and objections, pay taxes and other charges required by law, apply for certifications, receive documents and take testimony abandon and amend applications and collect refunds, to oppose, ask for the cancellation of and protest any application or registration which in their judgment could lend to confusion or could be considered an infringement or could in any form prejudice the undersigned's trademarks, tradenames, patents and commercial marks. To the said mandatory sufficient Power is granted hereby to answer in the matter of all claims and demands that maybe presented, before administrative or judicial officers of any class, giving them likewise Power to abandon proceeding, settle conflicts, substitute these present in whole or in part and revoke such substitutions

Given and signed this 28th August 2002

Aachen

Grünenthal GmbH

Signature

Dr. Riqués

(Managing Director) (Head of Patent Dept.)

Dr. Hellfeldt

62 B

UMBERTO RUBIO & CIA LTDA.
ABOGADOS

Propiedad Industrial e Intelectual

CERTIFICADO NOTARIAL (Individuo)

A los días del mes de ante mi,
Notario Público de compareció personalmente

a quien(es) doy fe de conocer y me consta que
es(son) la(s) persona(s) firmante(s) del documento
que precede, y quien(es) tiene(n) capacidad legal
para otorgarlo

CERTIFICADO NOTARIAL (SOCIEDAD)

Hoy 28 de Ago de 2002
comparecio(eron) personalmente
Dr. Paques, Dr. Hellfeldt

a quien(es) conozco como la(s) persona(s) que
firma(n) este documento en representa- cion de la
sociedad/compañia denominada

Grunenthal GmbH

Certifico

a) Que

Grunenthal GmbH
es una sociedad/compañia legalmente constituida
y existente de acuerdo con las Leyes de

Alemania

b) Que el domicilio de dicha sociedad/compañia
es

Zieglerstraße 6, D-52078
Aachen, Alemania

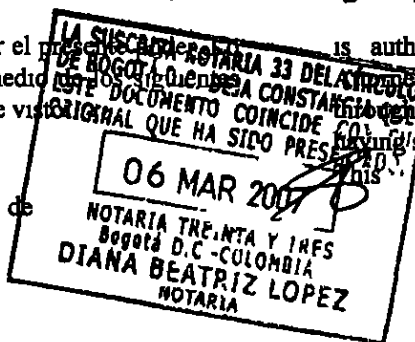
c) Que el objeto u objetos para los cuales se
otorga el presente poder están comprendidos
dentro del objeto social de la mencionada
sociedad/compañia

d) Que Dr. Paques, Dr. Hellfeldt

está autorizado para otorgar el presente Poder de Abogado, y
anterior está probado por medio de los documentos, que certifico he visto

Ciudad
de

hoy de



NOTARIAL CERTIFICATE (Individual)

On this 28th day of August, before me, a Notary
Public of Aachen, Germany, personally appeared to
me known, and known to me to be the person(s)
who executed that foregoing document, and who
has (have) legal capacity to execute it

Aachen, den 28. August 2002

Notar (Johannes Schneider)

NOTARIAL CERTIFICATE (Corporation)

On this 28 day of August, 2002,
personally appeared

Dr. Paques, Dr. Hellfeldt.

whom I know to be the person(s) who signed this
document as representative(s) of the
corporation/company named

Grunenthal GmbH.

I Certify

a) That

Grunenthal GmbH.

is a corporation/company legally constituted and
in existence accordance with the law of

Germany.

b) That the domicile of said corporation/company

is
Zieglerstraße 6, D-52078
Aachen, Germany.

c) That the purpose or purposes for which the
present Power of Attorney is granted are
comprised within the object set forth in the
charter of the mentioned corporation/company

d) That Mr(s)

Dr. Paques, Dr. Hellfeldt.

is authorized to grant the present Power of
Attorney. The aforementioned was duly proven
through the following documents and I duly verify
having seen them State

This day of

63A

Urkundenrolle Nummer 1329 für 2002

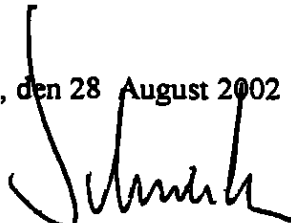
Die vorstehenden, vor mir gefertigten Unterschriften der mir von Person bekannten

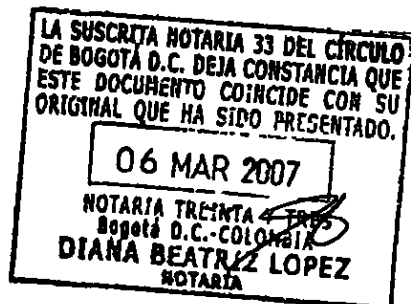
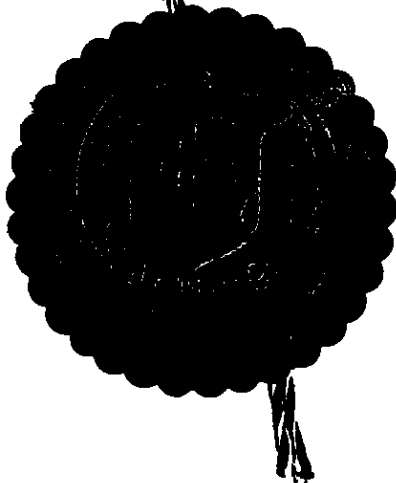
- 1 Herrn Dr. Eric-Paul Pâques, geboren am 16 Juni 1954,
wohnhaft Ronheider Weg 15 in 52076 Aachen,
- 2 Herrn Dr. Klaus-Dieter Hellfeldt, geboren am 31 Juli 1951,
wohnhaft Kesselstraße 35 in 52076 Aachen

hier handelnd für die im Handelsregister Aachen unter HR B 3564 eingetragene Grunenthal GmbH in Aachen,

beglaubige ich hiermit

Aachen, den 28 August 2002


Notar



648

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1 Land Bundesrepublik Deutschland

Diese öffentliche Urkunde

2 ist unterschrieben von Schneider

3 in seiner Eigenschaft als Notar in Aachen

4 sie ist versehen mit dem Stempel/Siegel des Notars

Bestätigt

5 in Aachen 6 am

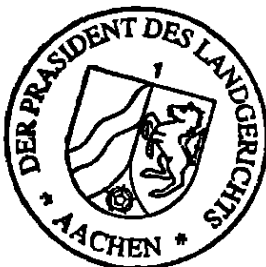
30 Aug 02

7. durch den Präsidenten des Landgerichts in Aachen

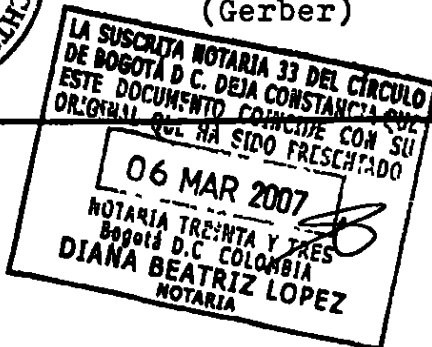
8 unter Nr 91a E - 8.860 - 8.861

9 Stempel/Siegel

10 Unterschrift



(Gerber)



659



Traducción oficial del idioma alemán no 210-62

Registro de documentos no 1321 para 2002

Por medio de la presente autentico las firmas anteriores puestas ante mí por

1 el señor **Dr. Eric-Paul Pâques**, nacido el 16 de junio de 1954
domiciliado en Ronheider Weg 15 en 52076 Aachen

2 el señor **Dr. Klaus-Dieter Hellfeldt**, nacido el 31 de julio de 1951
domiciliado en Kesselstraße 35 en 52076 Aachen

a quienes conozco personalmente, aquí actuando para la Grunenthal GmbH en
Aachen inscrita en el registro comercial de Aachen bajo HR B 3564
Aachen, el 28 de agosto de 2002

(firmado) notario, hay un sello seco del notario Schneider en Aachen

Apostilla

(Convención de la Haya del 5 de octubre de 1961)

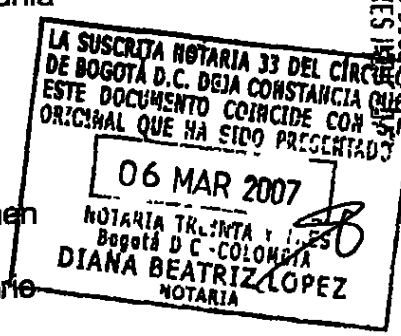
1 País República Federal de Alemania

Este documento público

2 ha sido firmado por Schneider

3 en su calidad de notario en Aachen

4 está provisto con el sello del notario



Confirmado

5 en Aachen

6 el 30 de agosto de 2002

7 por el Presidente del Juzgado de Primera Instancia de Aachen

8 bajo el no 91 a E – 8.860 – 8 861

9 Sello

10 Firma

517351
Dorthe Grote
CUY FIRMA APARECE EN EL
ORGANISMO DESEÑADO
LAS FIRMAS DE LOS
ASOCIADOS

MINISTERIO DE RELACIONES
EXTERIORES

2002 OCT 18 A 8:33
DETE DE LEGALIZACIONES
SECRETARIA DE BOGOTÁ D.C.

NO SE ASUME
RESPONSABILIDAD DEL TEXTO

[Signature]
Tercero - a
Secretaría de Legalización
1994

66-7

Hay un sello redondo del Presidente (firmado) Gerber
del Juzgado de Primera Instancia de
Aachen

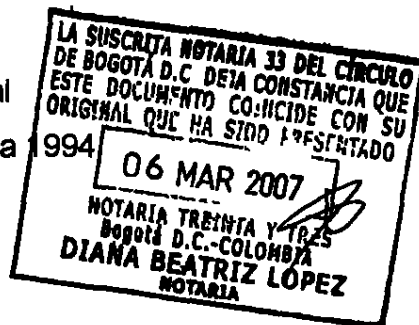
Es traducción fiel y completa del original

Dorothee Grote
Traductora e intérprete oficial

Traductora e intérprete oficial
Resolución no 2501 del Ministerio de Justicia

Dorothee Grote, traductora e intérprete oficial

Resolución no 2501 del Ministerio de Justicia



PCT

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

(PCT Rule 44bis)

Applicant's or agent's file reference GRA 3111-PCT	FOR FURTHER ACTION	See item 4 below
International application No PCT/EP2005/006884	International filing date (day/month/year) 27 June 2005 (27 06 2005)	Priority date (day/month/year) 28 June 2004 (28 06.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant GRÜNENTHAL 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 7 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 border="0"><tr><td>☒ Box No I</td><td>Basis of the report</td></tr><tr><td>☐ Box No II</td><td>Priority</td></tr><tr><td>☒ Box No III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td>☐ Box No IV</td><td>Lack of unity of invention</td></tr><tr><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>☐ Box No VI</td><td>Certain documents cited</td></tr><tr><td>☐ Box No. VII</td><td>Certain defects in the international application</td></tr><tr><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
☒ 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)																	

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 28 December 2008 (28 12.2008) Authorized officer Yolaine Cussac e-mail pt11@wipo.int
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PATENT COOPERATION TREATY

689

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D	13 FEB 2006
WIPO	FLI

PCT

To

see form PCT/ISA/220

PTI
HY

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No PCT/EP2005/006884	International filing date (day/month/year) 27 06 2005	Priority date (day/month/year) 28 06 2004
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International Patent Classification (IPC) or both national classification and IPC
C07C215/54, A61K31/135, A61P13/00

Applicant
GRUNENTHAL 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 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 usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, 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 56 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 three 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  European Patent Office D-80298 Munich Tel +49 89 2399 - 0 Tx 523656 epmu d Fax +49 89 2399 - 4465	Authorized Officer Goetz, G Telephone No +49 89 2399-8105 
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

6910
International application No
PCT/EP2005/006884

Box No. 1 Basis of the 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 Rules 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 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

10 11

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of

☐ the entire international application,

☒ claims Nos. 3

because

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos 3 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed

☐ no international search report has been established for the whole application or for said claims Nos

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions

☐ See separate sheet for further details

Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, Inventive step or Industrial applicability; citations and explanations supporting such statement

1 Statement

Novelty (N)	Yes	Claims	1-2,4-16
	No	Claims	
Inventive step (IS)	Yes	Claims	1-2,4-18
	No	Claims	
Industrial applicability (IA)	Yes	Claims	1-2,4-16
	No	Claims	

2 Citations and explanations

see separate sheet

D1 EP-B-0 693 475 (GRUENENTHAL GMBH) 24 January 1996 (1996-01-24)

- 1 1 It is at present not clear if the compounds as claimed in present claims 1 to 4 and 14 are identical ("Form A") or represent different compounds.
If all claims refer to one single compound (as it can be read from page 1 of the description) then this compound has to be characterized by all features of claims 1 to 4
- 1 2 It is not clear if the processes of present claim 5 and claim 11 result in the same compound ("Form A").
- 1 3 Present claim 16 which is directed to the use of "Form A" refers back to "claims 1 to 14".
However, present claims 5 to 13 relate to a process for preparing "Form A".
Amendments are requested to overcome this deficiency.
Present claim 16 which is directed to the use of "Form A" refers back to "claims 1 to 14".
However, present claims 5 to 13 relate to a process for preparing "Form A"
- 2 There are no figures 1 to 8 on file
Since figure 1 is missing, present claim 3 is so unclear that no examination can be done
3. From the data presented in tables 1 to 4 it appears that "Form A" as mentioned in these tables is different from "Form B" which is known from D1.
The subject matter of present claims 1 to 2, 4 to 16 can thus be regarded as being novel (PCT Article 33.2).
4. In view of D1, the underlying problem can be defined by the provision of an alternative form of the known compound (-)-(1R,2R)-3-(3-dimethylamino-1-ethyl-2-methylpropyl)-phenol hydrochloride.
The proposed solution is the provision of a "Form A" of this compound.
This solution is to be regarded as representing an obvious measure in the absence of any evidence that this new form shows any surprising or superior effect over the known form

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No

PCT/EP2005/006884

Such data have to be clearly shown by comparing the features of the claimed compound with the prior art compound

Since such an effect is not shown in present application, the subject matter of present claims 1 to 2, 4 to 16 is considered not to be based on an inventive step (PCT Article 33 3)

5 Industrial applicability is given for claims 1,2,4-16 (PCT Article 33 4).