

Señor

Superintendente de Industria y Comercio

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

E. _____ S. _____ D. _____

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 06-119149-00006-0000

Fecha: 2007-11-13 16:42:20 Dep: 2020 NUECREACIONE
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Referencia: Expediente No. 06.119.149

Solicitud de Patente de Invención titulada: "Anticuerpos anti-IL-13 y complejos"

Solicitante: Wyeth

RECURSO DE REPOSICIÓN

ÁLVARO CORREA ORDÓÑEZ, mayor de edad y vecino de Bogotá D.C., identificado según aparece al pie de mi firma, en mi condición de apoderado de la sociedad Wyeth, domiciliada en 5 Giralda Farms, Madison, NJ 07940, Estados Unidos, presento oportunamente el siguiente recurso de reposición en contra de la Resolución 33362 de fecha 10 de octubre del 2007, notificada por edicto desfilado el 2 de noviembre de 2007, con el propósito de que se revoque la mencionada resolución.

1. OBJETO DEL RECURSO

Que se revoque la Resolución 33362 de fecha 10 de octubre de 2007, y en su lugar, se continúe con el trámite de la mencionada solicitud.

2. ANTECEDENTES

Esta solicitud fue presentada ante ese Despacho el día 24 de noviembre de 2006 y se le adjudicó el número de radicación 06.119.149. Mediante auto de fecha 9 de febrero de 2007, la División de Nuevas Creaciones requirió al solicitante para que se pronunciara con respecto al primer examen de forma. El día 11 de abril de 2007 mediante memorial 06.119.149-00002-0000 se solicitó una prórroga de dos meses para responder al mencionado requerimiento. Dicho requerimiento fue atendido mediante el memorial 06.119.149-00003-0000 radicado el día 17 de mayo de 2007, dentro de los términos previstos por la ley.

Por medio de la Resolución 33362 de fecha 10 de octubre de 2007, desfijada por edicto el día 2 de noviembre de 2007, el Despacho declara abandonada la presente solicitud con el argumento de "Que el requerimiento a que alude el primer considerando de esta solicitud fue atendido el día 17 de mayo de 2007, dentro del periodo de prórroga concedido, dándose cumplimiento en forma parcial a las observaciones de carácter jurídico, teniendo en cuenta que el documento en que consta la cesión del derecho a la patente otorgado por los inventores al solicitante, fue suscrito únicamente por nueve de las diez personas relacionadas como inventores dentro de la solicitud, no completando los requisitos señalados en el artículo 26, lit. k), de la Decisión 486.

3. FUNDAMENTO DEL RECURSO

Respuesta al examen de forma

Sostiene su Despacho que en la respuesta al examen de forma presentada mediante memorial 06.119.149-00003-0000 radicado el día 17 de mayo de 2007, el solicitante presentó *documento de cesión que solo se suscribió por nueve de los diez inventores*.

A continuación me permito relacionar en el cuadro adjunto todos los inventores mencionados en la solicitud (**diez inventores**) junto con el número del folio correspondiente a la dicha respuesta presentada el 17 de mayo del presente año en la que aparece la firma de cada uno de los **diez inventores** cediendo su derecho a la solicitante:

NOMBRE DEL INVENTOR	NÚMERO DEL FOLIO
1.LIN, Laura, Long	157
2.PARRIS, Kevin D	199
3.TAM, Amy Sze Pui	158
4.TAN, Xiang-Yang	27
5.SHANE, Tania	202
6.DUMAS, John	59
7.WILHELM, James M	46
8.STAHL, Mark	45
9.MOSYAK, Lidia	46
10.HU, Zhixiang	53

De acuerdo con el anterior cuadro debe quedar completamente claro que todos y cada uno de los inventores aparece relacionado y firma el documento de cesión de inventores.

Adicionalmente me permito manifestar que teniendo en cuenta que en la resolución no se menciona al inventor del que presuntamente no se anexa documento de cesión, se realizó una detallada revisión del expediente que se encuentra en ese Despacho encontrándose que el inventor WILHELM, James M., no aparece señalado como revisado tal como si aparecen los nueve restantes. Para mayor facilidad me permito mencionar que la firma del señor Wilhelm aparece en el folio 842 de la numeración seguida por la Superintendencia para este asunto.

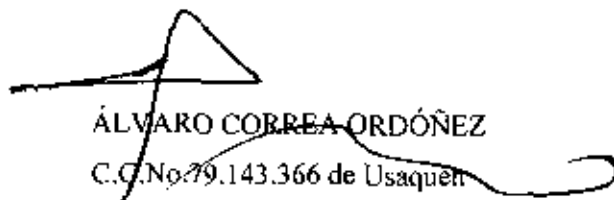
Finalmente, presento copia simple de todas y cada una de las hojas en que aparecen los citados inventores para más fácil referencia.

De todo lo anterior se concluye de manera absolutamente clara que si se dio cabal y completa cumplimiento a lo establecido en el artículo 26, lit. k), de la Decisión 486. En consecuencia es inobjetable que la Resolución 33362 se debe revocar y consecuentemente seguir con el trámite de la misma.

4. NOTIFICACIONES

Recibiré notificaciones en mis oficinas ubicadas en la Avenida 82 No. 10-62 Piso 6 de la ciudad de Bogotá, D.C.

Atentamente,


 ÁLVARO CORREA ORDÓÑEZ
 C.C. No. 79.143.366 de Usaquén
 T.P. 20.281

Anexo: Copia simple de hoja con firma de los diez inventores que aparece en la respuesta al examen de forma

BGRAC/BODDMS-PR4462-V1 DDC

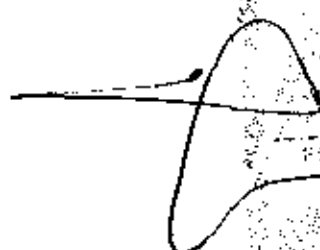
DILIGENCIA DE RECONOCIMIENTO Y PRESENTACION

Ante el Notario Once del Circuito de Bogotá, compareció ÁLVARO CORREA ORDÓÑEZ

Quien exhibió la C.C. No. 79143366 expedida en USAQUÉN 20281

y declaró que la firma en el presente instrumento es suya y que ha sido otorgado al mismo fin de INTERESADO

San José, Bogotá D.C. **13 NOV. 2007**



Primera del Destinatario TRUJILLA

Ante mí, el Notario

REPÚBLICA DE COLOMBIA
NOTARÍA DEL CIRCULO DE
SANTAFÉ DE BOGOTÁ, D.C.

ZULMA NAVARRO DE BAUTISTA
MOTARIA ONCE

NOTARIO CNSE DEL CIRCULO DE SANTAFÉ DE BOGOTÁ

Xiang-Yang Tan

Date _____

ACKNOWLEDGMENT

State of Massachusetts

County of Middlesex

On the 02nd day of January, 2004, before me, personally appeared Xiang-Yang Tan, proved to me through satisfactory evidence of identity which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged that he executed the same, of his own free will and for the purposes set forth.

Paula M. Gaete, Notary Public
Commonwealth of Massachusetts
My Commission Expires 10/31/2008

Debra D. Donaldson

Date _____

ACKNOWLEDGMENT

State of _____ }
County of _____ }

County of _____ ss. _____
}

On the _____ day of _____, 2004, before me, personally appeared Debra D. Donaldson, proved to me through satisfactory evidence of identity which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged that she executed the same, of her own free will and for the purposes set forth.

Notary Public

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNOR authorizes ASSIGNEE to make applications for and to receive Letters patent for said invention in any of said countries in its own name, or in ASSIGNOR's name, at its election.

ASSIGNOR covenants and agrees to execute or procure any further necessary assurance of the title to said invention and any Letters Patent which may issue therefore and to, at any time, upon the request and at the expense of ASSIGNEE deliver any testimony in any interference, litigation or proceeding related thereto and execute all papers that may be necessary or desirable to perfect the title to said invention or any Letters Patent which may be granted therefore in ASSIGNEE, its successors, assigns or other legal representatives, and that to, at any time, upon the request and at the expense of ASSIGNEE execute any continuation, continuation-in-part, divisional, renewal or substitute thereof, and as to Letters Patent and reissue or re-examination thereof, or any other additional applications of Letters Patent for said invention or any part thereof, all of which applications and any Letters Patent issuing thereon are hereby assigned to ASSIGNEE, and will make all rightful oaths or declarations, and do all lawful acts requisite for procuring the same therein, without further compensation, but at the expense of ASSIGNEE, its successors, assigns or other legal representatives.

ASSIGNOR authorizes and requests the Commissioner of Patents to issue any and all Letters Patent of the United States for said invention, resulting from any of the aforesaid applications to its ASSIGNEE.

Mark STAHL

Date _____

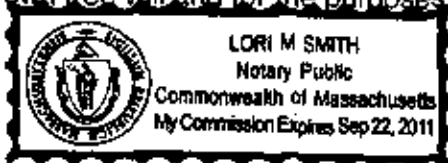
ACKNOWLEDGMENT

State of Massachusetts

35:

County of Middlesex

On the 9th day of February 2007, before me, personally appeared Mark STAHL, proved to me through satisfactory evidence of identity which was Driver's license to be the person whose name is signed on the preceding or attached document, and acknowledged that he/she executed the same, of his/her own free will and for the purposes set forth.



~~Notary Public~~

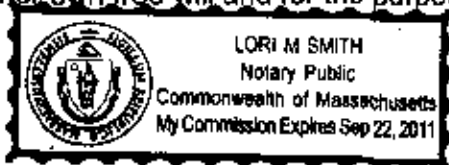
Lidia MOSYAK

02/08/2007
Date

ACKNOWLEDGMENT

State of Massachusetts ss:
County of Middlesex

On the 9th day of February 2007, before me, personally appeared Lidia MOSYAK, proved to me through satisfactory evidence of identity which was personally known to me to be the person whose name is signed on the preceding or attached document, and acknowledged that he/she executed the same, of his/her own free will and for the purposes set forth.



Lori M. Smith
Notary Public

James M. Wilhelm
James M. WILHELM

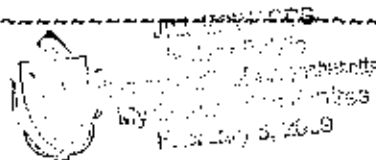
February 15, 2007
Date

ACKNOWLEDGMENT

State of Massachusetts ss:
County of Middlesex

On the 15th day of February 2007, before me, personally appeared James M. WILHELM, proved to me through satisfactory evidence of identity which was license to be the person whose name is signed on the preceding or attached document, and acknowledged that he/she executed the same, of his/her own free will and for the purposes set forth.

John Edwards
Notary Public



ASSIGNMENT

For valuable consideration, I, JOHN DUMAS of 49 Hamlet Street, Arlington, MA 02474; hereby assign to: Wyeth, a Delaware corporation having a place of business at:
5 Giralda Farms
Madison, New Jersey 07940
United States of America;
, and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are subject of a PCT application entitled ANTI-IL-13 ANTIBODIES AND COMPLEXES, filed June 9, 2005, and assigned PCT Serial Number PCT/US2005/020334, and any and all United States and foreign patents, utility models, and design registrations granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under all treaties; and we hereby confirm our prior authorization of the Assignee, as of June 9, 2005, to apply in all countries in our names or in its own name for patents, utility models, design registrations and like rights of exclusion and for inventors' certificates for said inventions and improvements; and we agree for ourselves and our respective heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at Ham
this 27th day of January, 20 07

John Dumas
JOHN DUMAS L.S.

Witness: [Signature] Date: 01/27/07
Witness: [Signature] Date: 1/27/07

1093
00000
00157

Timothy A. Cook

Date

ACKNOWLEDGMENT

State of _____ }
County of _____ } ss:

On the _____ day of _____ 2004, before me, personally appeared Timothy A. Cook, proved to me through satisfactory evidence of identity which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged that he executed the same, of his own free will and for the purposes set forth.

Notary Public


Laura Long Lin

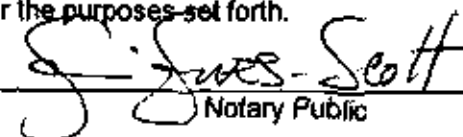
11/18/05
Date

ACKNOWLEDGMENT

State of Massachusetts }
County of Middlesex } ss:

On the 18th day of JAN 2004⁵, before me, personally appeared Laura Long Lin, proved to me through satisfactory evidence of identity which was verified to be the person whose name is signed on the preceding or attached document, and acknowledged that she executed the same, of her own free will and for the purposes set forth.




Notary Public

Amy Sze Pul Tam
Amy Sze Pul Tam

1/20/05
Date

ACKNOWLEDGMENT

State of Massachusetts }
County of Middlesex } ss:

On the 20th day of JAN 2005, before me, personally appeared Amy Sze Pul Tam, proved to me through satisfactory evidence of identity which was Mass ID to be the person whose name is signed on the preceding or attached document, and acknowledged that she executed the same, of her own free will and for the purposes set forth.



Geraldine Gomes-Scott
Notary Public

Eric Feyfant

Date

ACKNOWLEDGMENT

State of _____ }
County of _____ } ss:

On the _____ day of _____ 2004, before me, personally appeared Eric Feyfant, proved to me through satisfactory evidence of identity which was _____ to be the person whose name is signed on the preceding or attached document, and acknowledged that he executed the same, of his own free will and for the purposes set forth.

Notary Public

IN WITNESS WHEREOF, I hereto set my hand and seal at Cambridge, MA, this 02 day of September 2004.

K. D. Parris 9/2/04
KEVIN D. PARRIS

State of Massachusetts
County of Middlesex

On this 2nd day of September, 2004, before me, the undersigned notary public, personally appeared KEVIN D. PARRIS, proved to me through satisfactory evidence of identity, which was Kevin D. Parris, to be the person whose name was signed on the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

[Signature] (official signature and seal of notary)

My commission expires APRACHANA S. KUMAR
Notary Public
My Commission Expires
April 25, 2008

IN WITNESS WHEREOF, I hereto set my hand and seal at Cambridge, MA this
30 day of August, 2004. 00002

TANIA SHANE
TS

State of Massachusetts
County of Middlesex

On this 30th day of August, 2004, before me, the undersigned notary public,
personally appeared TANIA SHANE, proved to me through satisfactory evidence of
identity, which was Tania Shane, to be the person whose name was
signed on the preceding or attached document in my presence, and who swore or
affirmed to me that the contents of the document are truthful and accurate to the best of
his knowledge and belief.

[Signature]

(official signature and seal of notary)

My commission expires

NOTARY PUBLIC
Notary Public
My Commission Expires
08/31/2007