

FNPT P1423

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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
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**Solicitud de Patente PCT entrada fase nacional para: METODOS PARA REDUCIR
EL DAÑO PRODUCIDO POR NEMATODOS**

Solicitante: SYNGENTA PARTICIPATIONS AG

RESPUESTA A EXAMEN DE FORMA

MARGARITA CASTELLANOS ABONDANO, mayor de edad, identificado y domiciliado como aparece al pie de mi firma, en atención a su oficio No. 1896 Notificado el 9 de febrero de 2007, atentamente me permito dar respuesta al mismo de la siguiente manera:

Le informo a su Despacho que la presente solicitud corresponde al capítulo I del PCT y no al capítulo II como se indicó erróneamente en el petitorio. Por lo tanto, no existen anexos del Examen Preliminar Internacional. Para tal efecto, adjunto copia del Reporte Preliminar Internacional sobre Patentabilidad capítulo I.



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Bogotá, D.C., 09 MAR. 2007

MCA/jdf-1423

PATENT COOPERATION TREATY

PCT

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

(PCT Rule 44bis)

Applicant's or agent's file reference 70475	FOR FURTHER ACTION	See item 4 below
International application No. PCT/EP2005/008057	International filing date (day/month/year) 08 June 2005 (08.06.2005)	Priority date (day/month/year) 07 June 2004 (07.06.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant SYNGENTA PARTICIPATIONS AG		

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:

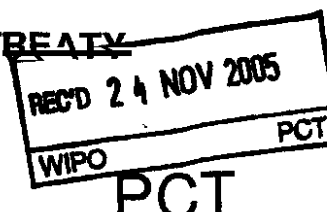
- | | |
|---|---|
| ☒ Box No. I | Basis of the report |
| ☐ Box No. II | Priority |
| ☐ Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| ☐ Box No. IV | Lack of unity of invention |
| ☒ Box No. V | Reasoned statement under Article 35(2) 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 08 December 2006 (08.12.2006)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70 Form PCT/IB/373 (January 2004)	Authorized officer Agnes Wittmann-Regis e-mail: pt06@wipo.int

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PATENT COOPERATION TREATY



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From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

22/12

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/EP2005/006057

International filing date (day/month/year)
06.06.2005

Priority date (day/month/year)
07.06.2004

International Patent Classification (IPC) or both national classification and IPC
A01N43/90, A01N37/44

Applicant
SYNGENTA PARTICIPATIONS AG

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 66.1b/s(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:



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Authorized Officer

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/006057

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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:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/008057

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	1-12,16-17
	No: Claims	13-15
Inventive step (IS)	Yes: Claims	
	No: Claims	1-17
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item I

Basis of the report

The documents mentioned herein are numbered in accordance with the order they appear in the International Search Report.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

The present invention relates to the enhancement of the action of a nematocide by using chelating agents.

The subject-matter of the present claims 13-15 appears not to be new with respect to D1-D5 (Art.33(2) PCT).

There is some unclarity about the actual teaching of the present application (Art. 6 PCT). The examples provided use abamectin, which is excluded from the claimed scope, and only on nematodes. The present claim 1 claims the use of any pesticide with a chelating agent against nematodes. There are serious doubts that the technical problem (to efficiently control nematodes) is solved over the whole claimed scope. Therefore, the subject-matter of the present claims 1-8 and 11 is considered not to involve an inventive step (Art.33(3) PCT).

D5 teaches that pesticides, e.g. nematocides, are suitably administered to a plant, e.g. to a seed, together with chelating agents. The actual purpose of D5 is the leaching of active compounds rather than an improvement in activity. However, as long as one skilled in the art has a good reason for combining the features nematocide and chelating agent, even if this reason is completely different from the present invention, the corresponding claimed subject-matter does not involve any inventive step. In the present case, D5 prompts the skilled artisan wishing to control nematodes to make use of features as depicted in the present claims 1-6 and 8-17.

The applicant's attention is drawn to possible objections in the national/regional phases for lack of unity of invention, depending on the way he wishes to restrict the claimed scope.