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Señores

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIVISION DE NUEVAS CREACIONES
E. S. D.

RESPUESTA A OFICIO 1931 DEL 09 DE FEBRERO, 2007

REF: Expediente No. 06 129.487 - Solicitud de Patente FASE NACIONAL
Corresp. a la Solicitud Internacional PCT/US2005/023564
a favor de GENENTECH, INC.
Titulada: INHIBIDORES DE IAP

JUAN PABLO CADENA SARMIENTO, vecino de Bogotá, portador de la tarjeta profesional No. 57492, obrando como apoderado de la sociedad GENENTECH, INC., según lo acredita el documento de poder presentado en esa División, para dar cumplimiento al requerimiento notificado por fijación en lista el 09 de Febrero de 2007, y de acuerdo con los Artículos 38 y 39 de la Decisión 486 de la Comisión de la Comunidad Andina, Artículo 27 del Tratado de Cooperación en Materia de Patentes (PCT), regla 51 bis del Reglamento y Circular Única de la SIC, me permito allegar:

1. Documento donde consta la cesión del derecho a la Patente otorgado por los inventores al solicitante, debidamente apostillado, junto con su correspondiente traducción al castellano.
2. Reporte Preliminar Internacional sobre Patentabilidad (Formas PCT/IB/373 y PCT/IB/237).
3. Extracto para publicación y Tarjeta de Archivo Temático.

De la señora jefe atentamente,

amente,


JUAN PABLO CADENA SARMIENTO
C.C. No. 80.410.337 de Usaquén
Cra 7 No. 71-21 TORRE B – Piso 4

Bogotá, 02 de abril de 2007
CHP/MEV/har.

(21) N° de solicitud: 06 129.487

(22) Fecha de solicitud: 27-12-2008

(51) Clasificación Internacional:

(71) Solicitante(s) GENENTECH, INC.

(72) Inventor(es) Frederick COHEN, Kurt DESHAYES, Wayne J. FAIRBROTHER,
Bainlan FENG, John FLYGARE, Lewis J. GAZZARD, Vickie Hsiao-Wei TSUI

(74) Agente: JUAN PABLO CADENA SARMIENTO

(30) Prioridad

(31) No. Prioridad
60/585,501

(32)

Fecha
02-07-2004

(33)

País
US

FIGURA CARACTERISTICA
6 x 6 cm

(85) Fecha inicio fase nacional: 02-02-2007

(86) Datos relativos a la presentación de la solíc. PCT
Fecha de presentación de la solicitud: 05-07-2005
No. de solicitud PCT/EP2005/023584

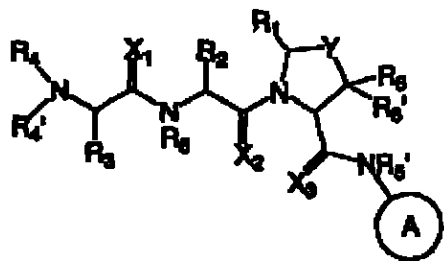
(87) Publicación internacional:

Fecha: 09-02-2008
No. Publicación: WO/2008/014361 A1

(54) Título: INHIBIDORES DE IAP

(57) Reivindicación(es): 1. Un compuesto de fórmula I:

CONTINUA AL RESPALDO ...



I

en donde X_1 , X_2 y X_3 son independientemente O o S;
Y es $(CH_2)_n$, O o S; en donde n es 1 o 2 y R_7 es H
halógeno, alquilo, arilo, aralquilo, amlno, arilamino,
alquilamino, aralquilamino, alcoxi, ariloxi o aralquiloxi;

A es un heterociclo de 5 miembros que comprende 1 a 4
heteroátomos opcionalmente sustituidos con amino,
hidroxilo, mercapto, halógeno, carboxilo, amidino,
guanidino, alquilo, alcoxi, arilo, ariloxi, acilo, aciloxi,
acilamino, alcóxicarbonilamino, cicloalquilo, alquilio,
alquilsulfínilo, alquilsulfonilo, aminosulfonilo,
alquilaminosulfonilo, alquilsulfonilamino o un heterociclo; en
donde cada sustitución de alquilo, alcoxi, arilo, ariloxi, acilo,

aciloxi, acilamino, cicloalquilo y heterociclo es opcionalmente
sustituida con hidroxilo, halógeno, mercapto, carboxilo,
alquilo, alcoxi, haloalquilo, amino, nitró, ciano, cicloalquilo,
arilo o un heterociclo;

R_1 es H o R_1 y R_2 juntos forman un anillo de 5 a 8 miembros;
 R_2 es alquilo, cicloalquilo, cicloalquilalquilo, arilo, aralquilo,
un heterociclo o heterocicilalquilo; cada uno opcionalmente
sustituido con hidroxilo, mercapto, halógeno, amino,
carboxilo, alquilo, haloalquilo, alcoxi o alquilio;

R_3 es H o alquilo;

R_4 y R_4' son independientemente H, hidroxilo, amino, alquilo,
arilo, aralquilo, cicloalquilo, cicloalquilalquilo, heteroarilo, o
heteroarilalquilo en donde cada alquilo, arilo, aralquilo,
cicloalquilo, cicloalquilalquilo, heteroarilo y heteroarilalquilo
es opcionalmente sustituido con halógeno, hidroxilo,
mercapto, carboxilo, alquilo, alcoxi, amino y nitró;

R_5 y R_6' son cada uno independientemente H o alquilo;

R_6 y R_6' son cada uno independientemente H, alquilo, arilo o
aralquilo; y sales y solvatos de estos.

R_2 , y R_3 son cada uno independientemente H, alquilo, arilo o aralkilo; y sales y solvatos de estos.

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PATENT COOPERATION TREATY

PCT/COOP/02/004

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)
(PCT Rule 44bis.1(c))

To:

RECEIVED

JAN 26 2007

EVANS, David, W.
Genentech, Inc.
1 DNA Way
South San Francisco, CA 94080-4980
ETATS-UNIS D'AMERIQUE

GENENTECH, INC.
LEGAL DEPT.

Date of mailing (day/month/year)

18 January 2007 (18.01.2007)

Applicant's or agent's file reference
P2154R1

IMPORTANT NOTICE

International application No.

PCT/US2005/023564

International filing date (day/month/year)

05 July 2005 (05.07.2005)

Priority date (day/month/year)

02 July 2004 (02.07.2004)

Applicant

GENENTECH, INC. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. +41 22 338 82 70

Authorized officer

Dorothee Mülhausen

e-mail: pct1@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference P2154R1	FOR FURTHER ACTION		See item 4 below
International application No. PCT/US2005/023564	International filing date (day/month/year) 05 July 2005 (05.07.2005)	Priority date (day/month/year) 02 July 2004 (02.07.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant GENENTECH, 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 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:		
	☒ 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 Form PCT/IB/373 (January 2004)	Date of issuance of this report 09 January 2007 (09.01.2007)
	Authorized officer Dorothee Mülhausen e-mail: pt01@wipo.int

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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 01 DEC 2005
PCT
WIPO
PCT

To:

see form PCT/ISA/220

PCT/

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/US2005/023584

International filing date (day/month/year)
05.07.2005

Priority date (day/month/year)
02.07.2004

International Patent Classification (IPC) or both national classification and IPC
C07K5/08, A61K38/08, A61P35/00

Applicant
GENENTECH, 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 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 68.1bis(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-80299 Munich
Tel. +49 89 2369 - 0 Tx: 523666 apmu d
Fax: +49 89 2369 - 4466

Authorized Officer

Schmid, A

Telephone No. +49 89 2369-8581



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/023584

Box No. I 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/US2005/023564

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. 15-21

because:

☒ the said international application, or the said claims Nos. 15-21 relate to the following subject matter which does not require an international preliminary examination (*specify*):

see separate sheet

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

☐ 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

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/023564

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

1. Statement

Novelty (N)	Yes: Claims	1-21
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-21
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	

2. Citations and explanations

see separate sheet

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

International application No.

PCT/US2005/023564

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

- 1) Claims 15-21 relate to subject-matter considered by this Authority to be covered by the provisions of Rule 67.1(iv) PCT. Consequently, no opinion will be formulated with respect to the industrial applicability of the subject-matter of these claims (Article 34(4)(a)(i) PCT).

Re Item V

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

- 1) Reference is made to the following documents:

D1: CHAI JIJIE ET AL: "STRUCTURAL AND BIOCHEMICAL BASIS OF APOPTOTIC ACTIVATION BY SMAC/DIABLO" NATURE, NATURE PUBLISHING GROUP, LONDON, GB, vol. 406, no. 6798, 24 August 2000 (2000-08-24), pages 855-862, XP002200489 ISSN: 0028-0836

D2: LIU Z ET AL: "STRUCTURAL BASIS FOR BINDING OF SMAC/DIABLO TO THE XIAP BIR3 DOMAIN" NATURE, NATURE PUBLISHING GROUP, LONDON, GB, vol. 408, no. 6815, 21 December 2000 (2000-12-21), pages 1004-1008, XP001153400 ISSN: 0028-0836

- 2) The present peptides differ from the prior art represented by D1 and D2 essentially in the heterocyclic ring "A" which does not exist neither in D1 nor in D2. On the contrary D1 and D2 disclose peptides which have additional amino acids instead of the heterocycle, which means that the present peptides are also shorter.

Accordingly, the present subject-matter is novel pursuant to Article 33(2) PCT.

- 3) A skilled person looking for alternative IAP inhibitors would surely not try to shorten

to

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

International application No.

PCT/US2005/023564

the known peptides and to add a heterocyclic ring instead with a reasonable expectation of success in order to obtain IAP inhibitors which is alleged by the applicant.

However, looking at pages 96 and 97, below the applicant simply alleges that the present compounds show the desired activity without putting forward any specific test results in order to prove this allegation.

Therefore, for the time being, no inventive step with regard to Article 33(3) PCT can be acknowledged for the present subject-matter.

- 4) For the assessment of the present claims 15-21 on the question whether they are industrially applicable, no unified criteria exist in the PCT Contracting States. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: United States of America

This public document

2. has been signed by M. Tarver

3. acting in the capacity of Certifying Officer

4. bears the seal/stamp of Patent and Trademark Office

Certified

5. at Washington, D.C.

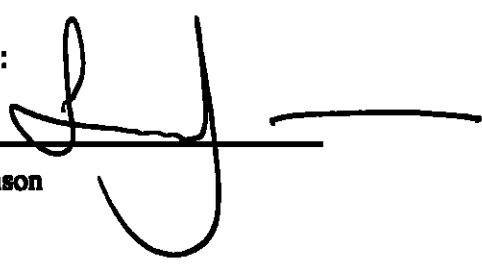
6. the twenty-second of December, 2006

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

8. No. 07008372-5

9. Seal/Stamp:

10. Signature:



Sonya N. Johnson

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A 7046291



THE UNITED STATES OF AMERICA

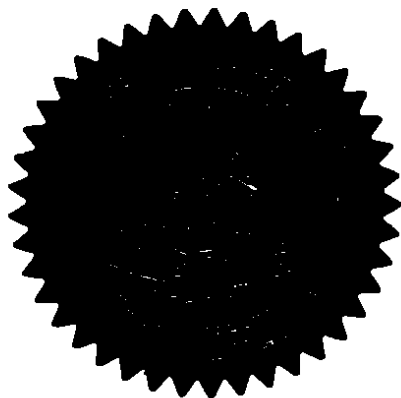
TO ALL TO WHOM THESE PRESENTS SHALL COME:

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

November 17, 2006

**THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE
RECORDS OF THIS OFFICE OF A DOCUMENT RECORDED ON
October 12, 2004**

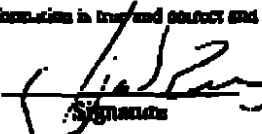
**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**



M. Tarver

**M. TARVER
Certifying Officer**

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RECORDATION FORM COVER SHEET PATENTS ONLY		U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office Any Doc No PR2154
Assistant Commissioner of Patents: Please record the attached original documents or copy thereof		
1. Name of conveying party(ies): Frederick Cohen Kurt Deshayes Wayne Fairbrother Bairian Feng John Flygare Lewis J. Gazzard Vickie Hsiao-Wei Tsui Additional name(s) of conveying party(ies) attached? <u>Yes</u> <u>No</u>	2. Name and address of receiving party(ies): Name: <u>GENENTECH, INC.</u> Internal Address: Street Address: <u>1 DNA Way</u> City: <u>South San Francisco</u> State: <u>California</u> ZIP: <u>94080-4990</u> Additional name(s) & address(es) attached? <u>Yes</u> <u>No</u>	
3. Nature of conveyance: ☒ Assignment ☐ Merger ☐ Security Agreement ☐ Change of Name ☐ Other: Execution Date: <u>9/20/04; 9/20/04; 9/21/04; 10/06/04;</u> <u>10/06/04; 10/06/04; 10/06/04</u>		
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) <u>60/585,501</u> B. Patent No.(s) Additional number(s) attached? <u>Yes</u> <u>No</u>		
5. Name and address of party to whom correspondence concerning document should be mailed: DAVID W EVANS GENENTECH, INC. 1 DNA Way South San Francisco, CA 94080	6. Total number of applications and patents involved: <u>1</u> 7. Total fee (37 CFR 3.41): <u>\$ 40.00</u> ☐ Enclosed ☒ Authorized to be charged to deposit account 8. Deposit account number: <u>07-0630</u>	
DO NOT USE THIS SPACE		
v 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 W EVANS Name of Person Signing Registration No *  Signature October 12, 2004 Date Total number of pages comprising cover sheet, attachments and document: <u>5</u>		
*A copy of a document pursuant to 37 C.F.R. § 10.90(a) is attached as proof of the authorization of me above to prosecute the attached application. The original of the document is on file in the Office of Enforcement and Discipline. Rev. 4 (10/1/98)		

700122426

PATENT
REEL: 016238 FRAME: 0960

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Docket No. PR2154

ASSIGNMENT

WHEREAS, Frederick Cohen, a citizen of United States of America, residing at 2001 McAllister Street, San Francisco, CA 94118, and Kurt Deshayes, a citizen of United States of America, residing at 138 Southwood Drive, San Francisco, CA 94112, and Wayne Fairbrother, a citizen of New Zealand, residing at 1008 Toyon Drive, Burlingame, CA 94010, and Baiman Feng, a citizen of United States of America, residing at 1018 Avalon Avenue, Foster City, CA 94404, and John Flygare, a citizen of United States of America, residing at 1419 Vancouver Avenue, Burlingame, CA 94010, and Lewis J. Gazzard, a citizen of Great Britain, residing at 2582 Belmont Canyon Road, Belmont, CA 94002, and Vickie Heiao-Wei Tsui, a citizen of Canada, residing at 650 Chestnut Street #108, San Francisco, CA 94133, (hereinafter "ASSIGNORS"), have invented a new and useful invention in

INHIBITORS OF IAP

for which a provisional application Serial No. 60/585,501 (Docket No. PR2154) has been filed by them on JULY 2, 2004; and

WHEREAS, GENENTECH, INC., a corporation organized and existing under and by virtue of the laws of the State of Delaware, having a place of business at 1 DNA Way, South San Francisco, California 94080-4480, is desirous of acquiring an interest in and to said invention, and in and to the Letters Patents to be obtained therefor;

NOW, THEREFORE, be it known by all whom it may concern;

That for good and valuable consideration the receipt of which is hereby acknowledged, the said ASSIGNORS have and do hereby sell, assign, transfer and set over unto the said GENENTECH, INC., its successors and assigns, the full and exclusive right, title and interest including all rights under the Paris Convention for the Protection of Industrial Property, in and to said invention, and in and to any and all Letters Patents to be granted and issued therefor or any continuation, division, renewal, or substitute thereof, and as to Letters Patents any reissue or re-examination thereof, not only for, to, and in the United States of America, its territories and possessions, but for, to and in all other countries; and it has been and is hereby authorized and requested that the appropriate government agencies issue said Letters Patents to said GENENTECH, INC., in accordance with this Assignment.

Said ASSIGNORS covenant and agree to cooperate with GENENTECH, INC., to enable said GENENTECH, INC. to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and foreign countries. Such cooperation by said ASSIGNORS includes prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said GENENTECH, INC., (a) for perfecting the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting applications for reissuance of any of said patents; (d) for interference or other priority proceedings involving said invention; and (e) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said ASSIGNORS in providing such cooperation shall be paid for by said GENENTECH, INC.

Page 1 of 2

PATENT
REEL: 015238 FRAME: 0961

TS
3612

Serial No. 60/565,501

Docket No. PR2154

The terms and covenants of this assignment shall inure to the benefit of said GENENTECH, INC., its successors, assigns and other legal representatives, and shall be binding upon said ASSIGNORS, their respective heirs, legal representatives and assigns.

Said ASSIGNORS hereby warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF we undersign as follows;

South San Francisco

Dated: 9/20/04


Frederick Cohen

South San Francisco

Dated: 9/20/04


Kurt Deshayes

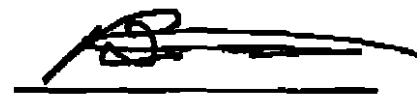
South San Francisco

Dated: 9/21/04


Wayne Fairbrother

South San Francisco

Dated: 10/06/04


Bainian Feng

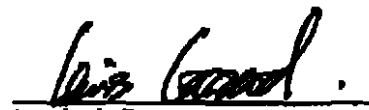
South San Francisco

Dated: 10/6/04


John Hygare

South San Francisco

Dated: 10/6/04


Lewis J. Gazzard

South San Francisco

Dated: 10/6/04


Vickie Hsiao-Wei

10
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**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATES PATENT AND TRADEMARK OFFICE**

LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

David Evans is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of Genentech, Inc. to prepare and prosecute patent applications in which Genentech, Inc. is the assignee of record of the entire interest. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) David Evans ceases to lawfully reside in the United States, (ii) David Evans' employment with Genentech, Inc. ceases or is terminated, or (iii) David Evans ceases to remain or reside in the United States on an H1B1 visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the United States Patent and Trademark Office.

Expires: April 6, 2005



Harry L. Moatz
Director of Enrollment and Discipline

RECORDED: 10/12/2004

**PATENT
REEL: 015238 FRAME: 0963**

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**TRADUCCION AL ESPAÑOL del Documento de Cesión a GENENTECH,
INC. firmado por los cedentes y el cesionario.**

APOSTILLA

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

1. País: Estados Unidos de América

Este documento público

2. ha sido firmado por M. Tarver

3. actuando en capacidad de Funcionario que Certifica

4. lleva el sello/timbre de la Oficina de marcas y patentes

Certificado

5. en Washington D.C.

6. el veintidós de Diciembre de 2008

**7. por el Funcionario de autenticación asistente, Departamento de Estado
de Estados Unidos**

8. No. 07008372-5

9. Sello/timbre

10. Firma

(Firma)

Sonya N. Johnson

[sello]

Tv
345

**LOS ESTADOS UNIDOS DE AMÉRICA
A TODO AQUEL QUE PUEDA LLEGARLE LA PRESENTE:**

**DEPARTAMENTO DE COMERCIO DE ESTADOS UNIDOS
Oficina de Marcas y Patentes de Estados Unidos**

Noviembre 17 de 2006

**ESTE ES PARA CERTIFICAR QUE EL ANEXO ES UNA COPIA
VERDADERA DE LOS ARCHIVOS DE ESTA OFICINA DE UN
DOCUMENTO ARCHIVADO EL 11 DE MAYO DE 2005.**

**Por autoridad del
Subsecretario de Comercio para la Propiedad Intelectual
y Director de la Oficina de Marcas y Patente de Estados Unidos**

**M. TARVER
Funcionario que Certifica**

**Hay un sello que dice:
Oficina de Marcas y Patentes de Estados Unidos
Departamento de Comercio**

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HOJA DE PORTADA DEL FORMULARIO DE REGISTRO SOLAMENTE PATENTES		Departamento de Comercio Oficina de Marcas y Patentes Expediente de abogado No. PFC2027
Comisionado Asistente para patentes: Por favor archive los documentos originales anexos o copias de los mismos		
1. Nombre de la(s) parte(s) cedente(s): Frederic Cohen Kurt Deshayes Wayne Fairbrother Bainian Feng John Flygare Lewis J. Gazzard Vickie Helao-Wel Taul	2. Nombre y dirección de la(s) parte(s) receptora(s) Nombre: <u>GENENTECH, INC.</u> Dirección Interna: Dirección: <u>1 DNA Way</u> Ciudad: <u>South San Francisco</u> Estado: <u>California</u> ZIP: <u>94080-4990</u>	
¿Se anexa(n) nombre(s) adicional(es) de parte(s) cedente(s)? ☐ Si ☒ No		
3. Naturaleza del traspaso: ☒ Cesión Fusión Acuerdo de Seguridad Cambio de Nombre Otro: Fecha de Ejecución: <u>09/20/04, 09/20/04, 09/21/04, 10/08/04, 10/08/04, 10/08/04, 10/08/04.</u>	¿Se anexan Nombre(s) y dirección(es) adicionales(es)? ☐ Si ☒ No	
4. Número(s) de solicitud o número(s) de patente: Si este documento se presenta junto con una nueva solicitud, la fecha de ejecución de la solicitud es: A. Solicitud de patente No(s). B. Patente No(s). <u>60/585,501</u>		
¿Se anexa números adicionales? ☐ Si ☒ No		
5. Nombre y dirección de la parte a quien se le debe enviar la correspondencia: <u>DAVID W. EVANS</u> <u>GENENTECH, INC.</u> <u>1DNA Way</u> <u>South San Francisco, CA 94080</u>	6. Número total de solicitudes y patentes involucradas: <u>1</u>	
	7. Tarifa total (37 C.F.R 3.41): <u>\$40.00</u> ☐ Adjunta ☒ Autorizado para cargarla a cuenta de depósito	
	8. Número de cuenta de Depósito: <u>07-0630</u>	
NO USE ESTE ESPACIO		
9. Declaración y firma. hasta donde se y creo, la información anterior es verdadera y correcta y cualquier copia anexa es una copia verdadera del documento original. <u>DAVID W. EVANS</u> (Firma) <u>Octubre 12, 2004</u> Nombre de la persona que firma Firma Fecha Registro No. *		
Número total de páginas que comprenden portada, anexos y documento: <u>3</u>		
* Una copia de un documento en cumplimiento de C.F.R. § 10.9(b) se anexa como prueba de la autorización de la persona arriba para procesar la solicitud adjunta. El original del documento está archivado en la Oficina de Matriculación y Disciplina.		

PATENTE

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ROLLO: 015238 CUADRO 0960

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CESIÓN

CONSIDERANDO QUE, Frederic Cohen, ciudadano de Estados Unidos, residente en 2001 Mc Allister Street, San Francisco, CA 94118, y Kurt Deshayes, ciudadano de Estados Unidos, residente en 138 Southwood Drive, San Francisco, CA 94112, y Wayne Fairbrother, ciudadano de Nueva Zelanda, residente en 1008 Toyon Drive, Burlingame, CA 94010, y Bainian Feng, ciudadano de Estados Unidos, residente en 1018 Avalon Drive, Foster City, CA 94404, y John Flygare, ciudadano de Estados Unidos, residente en 1419 Vancouver Avenue, Burlingame, CA 94010 y Lewis J. Gazzard, ciudadano de Gran Bretaña, residente en 2552 Belmont Canyon Road, Belmont, CA 94002, y Vickie Hsiao-Wei Tsui, ciudadana de Canadá, residente en 850 Chestnut Street #108, San Francisco, CA 94133, (en adelante referidos como "CEDENTE"), han inventado una invención nueva y útil

INHIBIDORES DE IAP

para la cual se presentó la solicitud provisional No. 60/585,501 (Expediente No. PR2154) por ellos el 2 de Julio de 2004; y

CONSIDERANDO QUE, GENENTECH, INC., una corporación organizada y existente bajo y por virtud de las leyes del Estado de Delaware, que tiene oficinas en 1 DNA Way, South San Francisco, California 94080-4990, está deseosa de adquirir un interés en y para dicha invención, y en y para las patentes que se obtendrán de la misma;

AHORA, POR LO TANTO, téngase por sabido por todo aquel que le concierna:

Que por una consideración buena y valiosa el recibo de la cual se reconoce por la presente, dicho CEDENTE ha y por la presente vende, cede, transfiere y traspasa a dicha GENENTECH, INC. sus sucesores y cesionarios, el derecho, título e interés completo y exclusivo incluyendo todos los derechos bajo la Convención de Paris para la Protección de la Propiedad Industrial, en y para dicha invención, y en y para cualquiera y todas las patentes que se concedan y emitan para la misma o cualquier continuación, división, renovación, o sustitución de la misma, y en cuanto a patentes cualquier reemisión o reexaminación de las mismas, no solo para, por y en los Estados Unidos de América, sus territorios y posesiones, sin para, por y en todos los otros países; y se ha y por la presente se autoriza y solicita que las agencias gubernamentales respectivas emitan dichas patentes a GENENTECH, INC. de acuerdo con esta cesión.

Dicho CEDENTE garantiza y acuerda cooperar con GENENTECH, INC., para posibilitar a dicha GENENTECH, INC., a disfrutar hasta su máxima extensión el derecho, título e interés aquí cedido en Estados Unidos y los países extranjeros. Tal cooperación por dichos CEDENTE incluye la pronta producción de hechos y documentos pertinentes, dando testimonio, ejecutando peticiones, juramentos, especificaciones, declaraciones u otros documentos, y otra ayuda todas hasta el punto considerado necesario o deseable por dichas GENENTECH, INC. (a) para perfeccionar el derecho, título e interés aquí cedido; (b) para procesar cualquiera de dichas solicitudes; (c) para presentar y procesar solicitudes de reemisión de cualquiera de dichas patentes; (d) para procesos de interferencia u otros procesos de prioridad que involucren dicha invención; y (e) para procedimientos legales que involucren dicha invención y cualquier solicitud de la misma y cualquier patente concedida sobre la misma, incluyendo sin limitación procedimientos de oposición, procedimientos de cancelación, disputas de prioridad, procesos de uso público, acciones de violación y acciones de la corte; con la condición que los gastos incurridos por dicho CEDENTE al proporcionar dicha cooperación deban ser pagados por GENENTECH, INC.

Los términos y garantías de esta cesión deben lastimar a beneficio de dicha GENENTECH, INC. sus sucesores, cesionarios y otros representantes legales, y deberá ser obligante sobre dichos CEDENTE, sus respectivos herederos, representantes legales y cesionarios.

Dicho CEDENTE por la presente garantizan y manifiestan que no ha entrado y no entrará en ninguna cesión, contrato o entendimiento en conflicto con la presente.

EN TESTIMONIO DE LO CUAL suscribimos como sigue:

South San Francisco (Firma)
Frederic Cohen

Fechado: 9/20/ 04

South San Francisco (Firma)
Kurt Deshayes

Fechado: 9/20/ 04

South San Francisco

Fechado: 9/21/ 04

South San Francisco Bainian Feng (Firma)

Fechado: 10/06/04

South San Francisco

Fechado: 10/06/04

South San Francisco

Fechado: 10/08/04

South San Francisco

Fechado: 10/08/04

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**ANTE LA OFICINA DE MATRICULACION Y DISCIPLINA
OFICINA DE MARCAS Y PATENTES DE ESTADOS UNIDOS**

RECONOCIMIENTO LIMITADO BAJO 37 CFR § 10.9(b)

Por la presente se le otorga a David Evans reconocimiento limitado bajo 37 CFR § 10.9(b) como empleado de Genentech Inc. para preparar y procesar solicitudes de patente en las cuales Genentech Inc. es el cesionario del completo interés. Este reconocimiento limitado vencerá en la fecha que aparece abajo, o cuando cualquiera de los eventos siguientes ocurra primero antes de la fecha que aparece abajo: (i) David Evans cesa de residir legalmente en los Estados Unidos, (ii) El empleo de David Evans con Genentech Inc. cesa o se termina, o (iii) David Evans deja de permanecer o residir en los Estados Unidos con una visa H1B1.

Este documento constituye prueba de dicho reconocimiento. El original del documento está archivado en la Oficina de Matriculación y Disciplina de la Oficina de Marcas y Patentes de los Estados Unidos.

Vence: Abril 6, 2005

(firma)

Harry I. Moatz
Director de Matriculación y Disciplina

REGISTRADO: 10/12/2004

**PATENTE
ROLLO: 015238 CUADRO: 0963**