

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 07-007252- -00004-0000

Fecha: 2008-03-10 15:59:30 Dep. 2020 NUECREACIONE
Tra. 11 PATENTE/II Eve: 378 FASENACIONAL
Act. 538 PETICION Folios: 2

Señora

Alix Carmenza Céspedes de Vergel

Jefe de División de Nuevas Creaciones

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

E. S. D.

Referencia: Expediente No. 07.007.252

Solicitud de Patente de Invención titulada: "Método para la recuperación de níquel y cobalto proveniente de minerales de laterita mediante la reacción con lixiviado de agua ácida concentrada"

Solicitante: SkyResources Inc.

SOLICITUD DE EXAMEN DE PATENTABILIDAD SEGÚN EL ARTÍCULO 44 DE LA DECISIÓN**486. GACETA NO. 587**

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 arriba mencionada, solicito que se examine la invención de la referencia según los requisitos de patentabilidad previstos en la Decisión 486 de la Comisión de la Comunidad Andina de Naciones. Adjunto recibo de caja por valor de \$420.000 para cubrir la tasa correspondiente según la Resolución 44372 del 26 de diciembre de 2007.

Atentamente,

ÁLVARO CORREA ORDÓÑEZ

C.C.No.79.143.366 de Usaquén

T.P.20.281

Anexo: Recibo de caja No. 08-19051 por valor de \$420.000

BOGLMS/BOGDMS-105754-V1- DOC - P2007/000001

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2008 / 005

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 07-007252-00004-0000

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Eve 378 FASENACIONALI
Folios: 2

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

NIT : 800176089-2

RECIBO OFICIAL DE CAJA : 08 - 19.051
FECHA : MARZO 3 DE 2008

***** CONSIGNACION *****

DEPOSITANTE	TIPO PAGO	BANCO	CUENTA	No. PAGO	FECHA PGO	Vr. PAGO
BAKER & MCKENZIE	CONSIGNACION	BANCO DE BOGOTA	062754387	2924733	03/03/2008	67,375,000.00

***** CONCEPTO *****

CANT.	RENTISTICO	CONCEPTO	TOTAL CONCEPTO
1	50005-01-01	SOLICITUDES	
		112 FTC CAP-I EXAMEN DE PATENTIBILIDA	420,000.00
		TOTAL :	\$ 420,000.00

SON: CUATROCIENTOS VEINTE MIL PESOS

RESPONSABLE :

RECIBO DE CAJA APLICADO AL EXPEDIENTE No.

**SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIVISION DE NUEVAS CREACIONES**

2020
Bogotá, D.C., 17 de junio de 2010

Doctor
Álvaro Correa Ordoñez
Representante **Skye Resources Inc.**

ASUNTO	Radicación	07-07252
	Trámite	002
	Evento	001
	Actuación	430
	Oficio	
	Folios	005

17 JUN 2010

Como resultado de la búsqueda de anterioridades y con fundamento en el artículo 46 de la Decisión 486 de la Comisión de la Comunidad Andina, se le comunica:

El artículo 46 de la Decisión 486 de la Comisión de la Comunidad Andina establece que:

"La oficina nacional competente podrá requerir el informe de expertos o de organismos científicos o tecnológicos que se consideren idóneos, para que emitan opinión sobre la patentabilidad de la invención. Asimismo, cuando lo estime conveniente, podrá requerir informes de otras oficinas de propiedad industrial."
"De ser necesario, a efectos del examen de patentabilidad y a requerimiento de la oficina nacional competente, el solicitante proporcionará, en un plazo que no excederá de 3 meses, uno o más de los siguientes documentos relativos a una o más de las solicitudes extranjeras referidas total o parcialmente a la misma invención que se examina:
"...b) copia de los resultados de exámenes de novedad o de patentabilidad efectuados respecto a esa solicitud extranjera;...
Si el solicitante no presentara los documentos requeridos dentro del plazo señalado en el presente artículo la oficina nacional competente denegará la patente."

Como resultado de la búsqueda de anterioridades se encontró que la solicitud en estudio corresponde con la solicitud europea EP05759184.4. En los exámenes de patentabilidad de la Oficina Europea de Patentes del 8 de octubre de 2010 se contempla el documento:

D1 ZUBRYCKYJ N ET AL: "Preferential sulfation of nickel and cobalt in lateritic ores" JOURNAL OF METALS, AMERICAN SOCIETY OF MECHANICAL ENGINEERS, NEW YORK, NY US, vol. 17, no. 5, May 1965 (1965-05), pages 478-486, XP009096760 ISSN: 0022-2674

Dado que dicho documento es el resultado de exámenes de patentabilidad efectuados a solicitudes extranjeras que corresponden totalmente con la solicitud colombiana, esta Oficina requiere que el solicitante proporcione en un plazo que no excederá de 3 meses, la copia del documento mencionado anteriormente. Nos permitimos recordarle que si el solicitante no presenta los documentos requeridos de forma legible y nítida dentro del plazo señalado la oficina nacional competente denegará la patente.

Notifíquese el presente oficio conforme a lo dispuesto en el numeral 5.2, literal e del capítulo quinto (5), del título primero de la circular única número 10 de 2001.


Alix Carmenza Céspedes De Vergel
Directora de Nuevas Creaciones (C)

Concepto Técnico No. **1956**

Examinador Técnico **202003**

El anterior requerimiento fue notificado por fijación en lista, de fecha _____

25 JUN 2011



To the European Patent Office

Entry into the European phase (EPO as designated or elected Office)

European application number	EP05759184.4
PCT application number	PCT/CA2005/001003
PCT publication number	WO2006000098
Applicant's or representative's reference	CTV/P116258EP
1. Applicant Particulars of the applicant(s) are contained in the international publication or were recorded by the International Bureau subsequent to the international publication. Changes which have not yet been recorded by the International Bureau are set out here: Address for correspondence	☒ ☐
2. Representative 1 This is the representative who will be listed in the Register of European Patents and to whom notifications will be made Address of place of business Telephone Fax e-mail Any additional representative(s) is/are listed here:	 Harrison Goddard Foote Belgrave Hall Belgrave Street LEEDS, Yorkshire, LS2 8DD United Kingdom +44 113 233 0100 +44 113 233 0101 hgf@hgf.com ☐
3. General Authorisation: An individual authorisation is attached. A general authorisation has been registered under No: A general authorisation has been filed, but not yet registered. The authorisation filed with the EPO as PCT receiving Office expressly includes the European phase.	☐ ☐ ☐ ☐
4. Request for examination Examination of the application under Art. 94 EPC is hereby requested. The examination fee is being (has been, will be) paid. Request for examination in an admissible non-EPO language:	☒ ☐
5. Copies One or more additional sets of copies of the documents cited in the supplementary European search report are hereby requested. Number of additional sets of copies	☒ 1
6. Documents intended for proceedings before the EPO 6.1 Proceedings before the EPO as designated Office (PCT I) are to be based on the following documents: the application documents published by the International Bureau (with all claims, description and drawings), where applicable with amended claims under Art. 19 PCT unless replaced by the amendments attached. Where necessary, clarifications should be attached as 'Other Documents'	☒ ☐

6.2 Proceedings before the EPO as elected Office (PCT II) are to be based on the following documents:
the documents on which the international preliminary examination report is based, including any annexes
unless replaced by the amendments attached.
Where necessary, clarifications should be attached as 'Other Documents'
If the EPO as International Preliminary Examining Authority has been supplied with test reports, these may be used as the basis of proceedings before the EPO.

7. Translations

Translations in one of the official languages of the EPO (English, French, German) are attached as crossed below:

- * In proceedings before the EPO as designated or elected Office (PCT I + II):
Translation of the international application (description, claims, any text in the drawings) as originally filed, of the abstract as published and of any indication under Rule 13bis.3 and 13bis.4 PCT regarding biological material
Translation of the priority application(s)
It is hereby declared that the international application as originally filed is a complete translation of the previous application (Rule 38(5) EPC)
- * In addition, in proceedings before the EPO as designated Office (PCT I):
Translation of amended claims and any statement under Art. 19 PCT, if the claims as amended are to form the basis for the proceedings before the EPO (see Section 6).
- * In addition, in proceedings before the EPO as elected office (PCT II):
Translation of annexes to the international preliminary examination report

8. Biological material

- The invention relates to and/or uses biological material deposited under Rule 28 EPC.
The particulars referred to in Rule 28(1)(c) EPC (if not yet known, the depository institution and the identification reference(s)) (number, symbols, etc.) of the depositor are given in the international publication or in the translation submitted under Section 7 on:
page(s) / line(s)
A copy of the receipt(s) of deposit issued by the depository institution is attached
will be filed at a later date
A waiver of the right to an undertaking from the requester pursuant to Rule 28(3) EPC is attached.

9. Nucleotide and amino acid sequences

- The items required under Rules 5.2 and 13ter PCT and Rule 111(3) EPC have already been furnished to the EPO.
The sequence listing as part of the description is attached in PDF format.
The sequence listing does not include matter that goes beyond the content of the application as filed.
In addition, the sequence listing data is attached in computer-readable form in accordance with WIPO Standard 25.
The sequence listing data in computer-readable form in accordance with WIPO Standard 25 is identical to the sequence listing in PDF format.

10. Designation fees

- 10.1 It is currently intended to pay seven times the amount of the designation fee. The designation fees for all the EPC contracting states designated in the international application are thereby deemed to have been paid (Art. 2 No. 3 RFees).
AT BE BG CH LI CY CZ DE DK EE ES FI FR GB GR HU IE IS IT LT LU MC NL PL PT RO SE SI SK TR
- 10.2 It is currently intended to pay fewer than seven designation fees for the following EPC contracting states designated in the international application:

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Europäisches
Patentamt
European
Patent Office
Office européen
des brevets

European Patent Office
80288 MUNICH
GERMANY
Tel: +49 89 2399 0
Fax: +49 89 2399 4465



Harrison Goddard Foote
Belgrave Hall
Belgrave Street
Leeds
LS2 8DD
ROYAUME-UNI

Formalities Officer
Name: Galatoto, Mariska
Tel: +49 89 2399 - 7911
or call
+31 (0)70 340 45 00

Substantive Examiner
Name: Juhart, Matjaz
Tel: +49 89 2399 - 2960

Application No. 05 759 184.4 - 2122	Ref. CTV/P116258EP	Date 08.10.2008
Applicant Skye Resources Inc.		

Communication pursuant to Article 94(3) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(2) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 126(2) and 131(2) and (4) EPC. One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (R. 50(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Art. 94(4) EPC).



Juhart, Matjaz
Primary Examiner
For the Examining Division

Enclosure(s): 3 page/s reasons (Form 2906)

Datum
Date 08.10.2008

Blatt
Sheet 1
Feuille

Anmelde-Nr.
Application No 05 759 184.4
Demande n°

The examination is being carried out on the following application documents:

Description, Pages

1-27 as published

Claims, Numbers

1-16 as published

Drawings, Sheets

1/4-4/4 as published

- Claims 1 and 2 do not meet the requirements of Art. 84 EPC because they are inconsistent to each other for following reasons:
 - Claim 2, claimed as dependent on claim 1, claims separate treatment of limonite fraction with acid, followed by the addition of saprolite. It is not clear how the limonite and saprolite fraction of the laterite ore can be separately treated without performing any separation of laterite ore which contains, according to claim 1, limonite and saprolite. Either in claim 1 an ore mixture of a laterite containing limonite and a laterite containing saprolite is treated or an essential process step is missing in claim 2. Hence, the scope of protection sought is not clear.
- Interpretation of the claim 1

Claim 1 refers to "a process ... comprising ...". Such broad definition is not limiting over the prior art disclosing a process wherein, in addition to all process steps according to claim 1, some additional steps are disclosed.
- Reference is made to the following documents; the numbering will be adhered to in the rest of the procedure:

D1: ZUBRYCKYJ N ET AL: "Preferential sulfation of nickel and cobalt in lateritic ores" JOURNAL OF METALS, AMERICAN SOCIETY OF MECHANICAL ENGINEERS, NEW YORK, NY, US, vol. 17, no. 5, May 1965 (1965-05), pages 478-486, XP009096760 ISSN: 0022-2674

D2: WO 01/75184 A (BHP MINERALS INT INC [US]) 11 October 2001 (2001-10-11)

D3: WO 03/093517 A (QNI TECHNOLOGY PTY LTD [AU]; LIU HOUYUAN [AU]; GILLASPIE JAMES D [CA];) 13 November 2003 (2003-11-13)

4. D1 describes a process for leaching a laterite ores. A limonite and a saprolite are blended and mixed together, (cf. p.479, left-hand column). The mixture are then treated with sulphuric acid and subsequently inter alia leached with water. Metal values (Ni and Co) are finely extracted (cf. figure 1).

Accordingly, the subject-matter of claims 1, 3-8, 10, 11, 13 and 16 is anticipated by D1.

- 4.1 The separate treatment of saprolite ore as well as preferred process parameters as claimed in dependent claims 2, 9, 12, 14 and 15 are also known in the art, see e.g. D3. Hence, these claims are not inventive in the combination of D1 and D3
5. D2 discloses a heap leaching of laterite ore which can contain limonite and saprolite (cf. table 1). The ore mixture is first treated with a sulfuric acid subsequently leached with seawater fortified with sulfuric acid. One heap is used as iron precipitating reactor (cf. claims 1, 8, 9 and 11).

Consequently, D2 anticipates the subject-matter of claims 1, 3, 5 and 10-13.

6. According to the comments above, claims 1-16 are not allowable, because their subject-matter lacks novelty and/or inventive step (Art. 52(1), 54(1), (2) and 56 EPC).
7. The applicant is invited to file new claims which take account of the above comments.
8. When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).

9. In the letter of reply, the applicant should indicate the difference of the new claims over the prior art and explain the requirement of an inventive step.
10. The unit "psia" expressed in claim 8 and repeatedly in the description does not meet the requirements of Rule 49(10) EPC and should be replaced by the appropriate SI unit (cf. Guidelines C-II, Annex 1). The present expression should, however, be retained in parentheses after the replacement expression.