

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 07-032687- -00003-0000

Fecha: 2007-08-10 11:17:16 Dep. 2020 NUECREACION
Tra. 11 PATENTEYII Eve: 378 FASENACIONALI
Act. 444 RESPUESTAREQUE Folios: 12 ✓

Señores
DIVISIÓN DE NUEVAS CREACIONES
SUPERINTENDENCIA DE INDUSTRIA Y
Bogotá, D.C.

Re.: Código 011-378-444
Expediente No. 07-32.687
Fase Nacional de Solicitud
de Patente PCT
SYNTHES GmbH

En relación con el expediente de la referencia y dando cumplimiento a la última providencia recaída sobre este asunto por medio del presente escrito me permito manifestarles lo siguiente:

1. Acompaño copia certificada del documento donde consta la cesión del derecho a la patente de los Inventores:

- Christopher J. RYAN
- Sean S. SUH
- David S. RATHBUN
- Christoph A. ROTH
- David KOCH

a favor de la sociedad Synthes (U.S.A.), debidamente firmado, autenticado por Notario Público y legalizado por Apostilla.

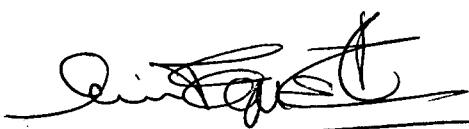
2. Acompaño copia certificada del documento donde consta la cesión del derecho a la patente de la sociedad Synthes (U.S.A.) a favor de la sociedad solicitante Synthes GmbH, debidamente firmado, autenticado por Notario Público y legalizado por Apostilla.

94

Castillo Grau & Asociados
ABOGADOS

Le solicito se sirva agregar este escrito y sus anexos al expediente y continuar con el trámite de la solicitud.

De Ustedes Atentamente,


LUIS FELIPE CASTILLO GIBSONE
T.P. # 68.995 del C.S.J.

Apostille

(Convention de La Haye du 5 Octobre 1961)

1. Country: **United States of America**

This public document

2. has been signed by **Norman Goodman**

3. acting in the capacity of **County Clerk**

4. bears the seal/stamp of the county of **New York**

Certified

5. At New York, New York 6. the 20th day of July 2007

7. by Special Deputy Secretary of State, State of New York

8. No. NYC-10270358B

9. Seal/Stamp

10. Signature



James Bizzarri

James Bizzarri
Special Deputy Secretary of State

9/6

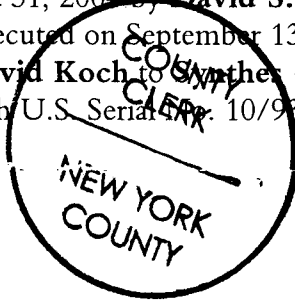
VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I verify that the attached documents (2) identified as:

Assignment

which covers corresponding foreign rights, are true copies of the documents as executed on August 31, 2004 by **Sean S. Suh**, executed on August 31, 2004 by **David S. Rathbun**, executed on August 31, 2004 by **Christopher J. Ryan**, executed on September 13, 2004 by **Christoph A. Roth** and executed on August 31, 2004 by **David Koch to Synther (U.S.A.)**, a company located in the United States, in connection with U.S. Serial No. 10/932,392, filed September 2, 2004.



State of New York }
County of New York, } ss.:

576792

Form 1

I, **NORMAN GOODMAN**, County Clerk and Clerk of the Supreme Court of the State of New York, in and for the County of New York, a Court of Record, having by law a seal, DO HEREBY CERTIFY pursuant to the Executive Law of the State of New York, that

Angela Fisher

whose name is subscribed to the annexed affidavit, deposition, certificate of acknowledgment or proof, was at the time of taking the same a NOTARY PUBLIC in and for the State of New York duly commissioned, sworn and qualified to act as such; that pursuant to law, a commission or a certificate of his official character, with his autograph signature has been filed in my office; that at the time of taking such proof, acknowledgment or oath, he was duly authorized to take the same; that I am well acquainted with the handwriting of such NOTARY PUBLIC or have compared the signature on the annexed instrument with his autograph signature deposited in my office, and I believe that such signature is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand affixed my official seal this

FEE PAID \$3.00 JUL 10 2007

Norman Goodman
County Clerk and Clerk of the Supreme Court, New York County

ASSIGNMENT

WHEREAS, WE, SEAN S. SUH; DAVID S. RATHBUN; CHRISTOPHER J. RYAN; CHRISTOPH A. ROTH; and DAVID KOCH, ASSIGNORS, citizens of the United States, the United States, the United States, Germany, and the United States, respectively, residing at 173 Wildflower Drive, Plymouth Meeting, PA 19462; 742 Newport Ave., Apt. 5, Gap, PA 17257; 1221 Morstein Rd., West Chester, PA 19380; 1109 Timberland Drive, West Chester, PA 19380; and 82 N. Hawthorne, Coatesville, PA 19320, respectively, are the inventors of the invention in TRACK-PLATE CARRIAGE SYSTEM for which we have executed an application for a Patent of the United States

- ☒ which is executed on ☒ even date herewith or ☐
☒ which is identified by Jones Day docket no. 708716-999885
☐ which was filed on , Application No.
☐ We hereby authorize and request our attorney, , of Jones Day, , to insert here in parentheses (Application number, _____ filed _____) the filing date and application number of said application when known.

and WHEREAS, SYNTHES (USA), ASSIGNEE, a general partnership existing under the laws of the Commonwealth of Pennsylvania and having a place of business at 1690 Russell Road, Paoli, PA 19301 is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

DATE: _____

X _____
SEAN S. SUH

DATE: _____

Witness (print name)

X _____
Witness Signature

DATE: _____

X _____
DAVID S. RATHBUN

DATE: _____

Witness (print name)

X _____
Witness Signature

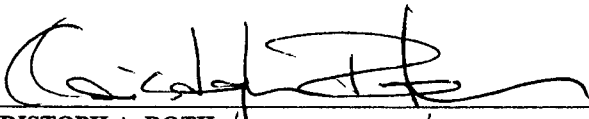
DATE: _____

X _____
CHRISTOPHER J. RYAN

DATE: _____

Witness (print name) X _____
Witness Signature

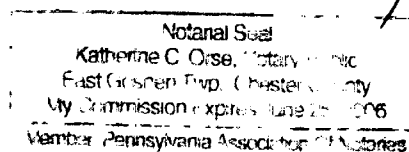
DATE: 9/13/04

X 
CHRISTOPH A. ROTH

DATE: 9/13/04

Katherine C. Orse
Witness (print name)

Katherine C. Orse
Witness Signature



DATE: _____

X _____
DAVID KOCH

DATE: _____

Witness (print name) X _____
Witness Signature

ASSIGNMENT

WHEREAS, WE, SEAN S. SUH; DAVID S. RATHBUN; CHRISTOPHER J. RYAN; CHRISTOPH A. ROTH; and DAVID KOCH, ASSIGNORS, citizens of the United States, the United States, Germany, and the United States, respectively, residing at 173 Wildflower Drive, Plymouth Meeting, PA 19462; 742 Newport Ave., Apt. 5, Gap, PA 17257; 1221 Morstein Rd., West Chester, PA 19380; 1109 Timberland Drive, West Chester, PA 19380; and 82 N. Hawthorne, Coatesville, PA 19320, respectively, are the inventors of the invention in TRACK-PLATE CARRIAGE SYSTEM for which we have executed an application for a Patent of the United States

- ☒ which is executed on ☒ even date herewith or ☐
☒ which is identified by Jones Day docket no. 708716-999885
☐ which was filed on , Application No.
☐ We hereby authorize and request our attorney, , of Jones Day, , to insert here in parentheses (Application number, _____ filed _____) the filing date and application number of said application when known.

and WHEREAS, SYNTHES (USA), ASSIGNEE, a general partnership existing under the laws of the Commonwealth of Pennsylvania and having a place of business at 1690 Russell Road, Paoli, PA 19301 is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

DATE: 8/31/04

X

SEAN S. SUH

DATE: 8/31/04

Witness (print name)

Witness Signature

DATE: 8/31/04

X

DAVID S. RATHBUN

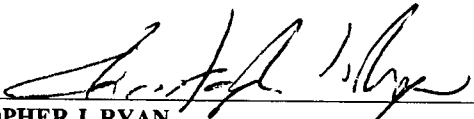
DATE: 8/31/04

Witness (print name)

Witness Signature

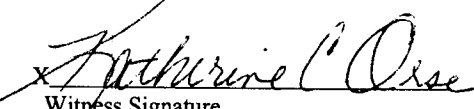
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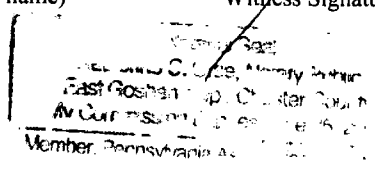
DATE: 31 Aug 04

X 
CHRISTOPHER J. RYAN

DATE: 8/31/04

Katherine C. Orse
Witness (print name)

X 
Witness Signature



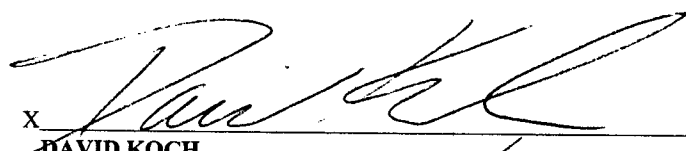
DATE: _____

X _____
CHRISTOPH A. ROTH

DATE: _____

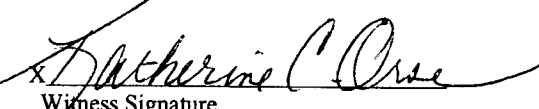
Witness (print name) X _____
Witness Signature

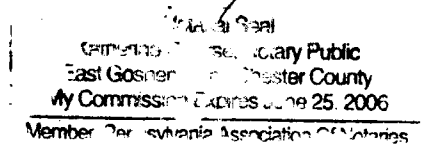
DATE: 8/31/04

X 
DAVID KOCH

DATE: 8/31/04

Katherine C. Orse
Witness (print name)

X 
Witness Signature



Apostille

(Convention de La Haye du 5 Octobre 1961)

1. Country: **United States of America**
- This public document
2. has been signed by **Norman Goodman**
3. acting in the capacity of **County Clerk**
4. bears the seal/stamp of the county of **New York**

Certified

5. At New York, New York 6. the 20th day of July 2007
7. by Special Deputy Secretary of State, State of New York
8. No. NYC-10270357B
9. Seal/Stamp 10. Signature



James Bizzarri

James Bizzarri
Special Deputy Secretary of State

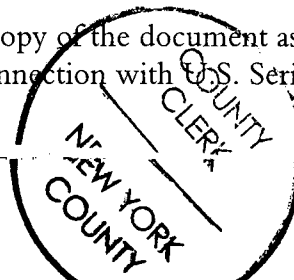
VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I verify that the attached document identified as:

Assignment

which covers corresponding foreign rights, is a true copy of the document as executed on June 5, 2007 from **Synthes (USA)** to **Sythes GmbH** in connection with U.S. Serial No. 10/932,392, filed September 2, 2004.



State of New York } ss.:
County of New York, }

576790

Form 1

I, NORMAN GOODMAN, County Clerk and Clerk of the Supreme Court of the State of New York, in and for the County of New York, a Court of Record, having by law a seal, DO HEREBY CERTIFY pursuant to the Executive Law of the State of New York, that

Angela Pish

whose name is subscribed to the annexed affidavit, deposition, certificate of acknowledgment or proof, was at the time of taking the same a NOTARY PUBLIC in and for the State of New York duly commissioned, sworn and qualified to act as such; that pursuant to law, a commission or a certificate of his official character, with his autograph signature has been filed in my office; that at the time of taking such proof, acknowledgment or oath, he was duly authorized to take the same; that I am well acquainted with the handwriting of such NOTARY PUBLIC or have compared the signature on the annexed instrument with his autograph signature deposited in my office, and I believe that such signature is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand affixed my official seal this

JUL 10 2007

FEE PAID \$3.00

Norman Goodman
County Clerk and Clerk of the Supreme Court, New York County

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ASSIGNMENT

WHEREAS, Synthes (U.S.A.), ASSIGNOR, a Partnership organized under the laws of the Commonwealth of Pennsylvania and having a place of business at 1302 Wrights Lane East, West Chester, PA 19380, has all right, title and interest in United States Patent Application No. 10/932,392 and all inventions described, disclosed or claimed therein, which was filed with the United States Patent and Trademark Office on September 2, 2004, entitled TRACK-PLATE CARRIAGE SYSTEM, which is identified by Jones Day Attorney Docket No. 708716-999885, and all applications claiming priority thereto including, but not limited to PCT Application No. PCT/US2005/031333 which was filed on September 1, 2005, and all inventions described, disclosed or claimed therein for all countries (hereinafter collectively "the Invention").

AND WHEREAS, Synthes GmbH, ASSIGNEE, a Swiss Company organized under the laws of Switzerland and having a place of business at Eimattstrasse 3, Oberdorf, Switzerland CH-4436, is desirous of obtaining the entire right, title and interest to and under the Invention, including the right to bring an action and recover damages for past infringements, if any, in all geographic locations except the United States and its possessions and territories, Canada and its possessions and territories, the Bahamas, and Bermuda (hereinafter "the Excluded Geographic Locations").

~~AND WHEREAS, ASSIGNOR, is desirous of assigning its entire right, title and interest to the Invention in all geographic locations except the Excluded Geographic Locations to the ASSIGNEE, including the right to bring an action and recover damages for past infringement, if any.~~

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the said ASSIGNOR, has sold, assigned, transferred and set over, and does hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, all ASSIGNOR'S rights, title and interest in the Invention in all geographic locations except the Excluded Geographic Locations including the right to bring an action and recover damages for past infringement, if any; and all rights, title and interest in any corresponding patent applications and all divisions, renewals and continuations thereof, and all Patents which may be granted thereon and all reissues and extensions thereof; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said Invention in all geographic locations except the Excluded Geographic Locations, and all extensions, renewals and reissues thereof.

NOW, THEREFORE, ASSIGNEE shall obtain all said rights, title and interest in the Invention in all geographic locations except the Excluded Geographic Locations.

AND ASSIGNOR HEREBY covenants and agrees that it has not executed, and will not execute, any agreement in conflict herewith.

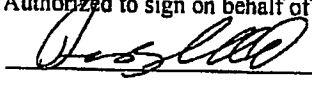
AND ASSIGNOR HEREBY further covenants and agrees that it will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to it respecting said Invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said Invention in all geographic locations except the Excluded Geographic Locations.

AND ASSIGNOR HEREBY further covenants and agrees that it has read this Assignment, knows and understands its contents, and comprehends and agrees to all of its terms, conditions and meanings and their significance.

IN TESTIMONY WHEREOF, the person executing this Assignment in a representative capacity on behalf of the ASSIGNOR warrants that he is fully authorized and empowered to do so and sets his hand and seal the day and year set with his signature.

ASSIGNOR: Synthes (U.S.A.)

Troy T. Svihl Authorized to sign on behalf of Synthes (U.S.A.)

Signature: 

Position/Title: Patent Counsel

Address: 1302 Wrights Lane East
West Chester, Pennsylvania 19380

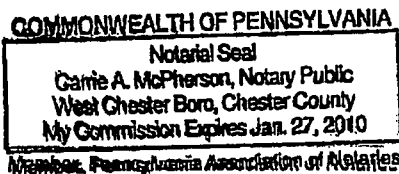
Date: 5 June 2007

Commonwealth of Pennsylvania)
) SS.:
County of Chester)

On June 5, 2007, before me, Carrie A. McPherson Notary Public, personally appeared Troy T. Svihl, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Carrie A. McPherson



ASSIGNEE: Synthes GmbH
Troy T. Svihl Authorized to sign on behalf of Synthes GmbH
Signature: [Signature]
Position/Title: Patent Counsel
Address: 1302 Wrights Lane East
West Chester, Pennsylvania 19380
Date: 5 June 2007

Commonwealth of Pennsylvania)
) SS.:
County of Chester)

On June 5, 2007, before me, Carrie A. McPherson Notary Public, personally appeared Troy T. Svihl, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Carrie A. McPherson

