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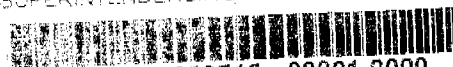
AS: 105.061

Señores

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

E. S. D.

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 07-089715-00001-0000

Fecha: 2007-11-23 17:24:54 Dep. 2020 NUECREACIONE
Tipo: PATENTE (E) Lva: 378 FASE NACIONAL
Asunto: NUESTRO TAREQUE Folios: 60

RESPUESTA A OFICIO 13317 DE 19 OCTUBRE 2007

REF: Expediente No. 07 089715 - Solicitud de Patente FASE NACIONAL

Corresp. a la Solicitud Internacional PCT/US2006/007871

a favor de **MONSANTO TECHNOLOGY LLC.**

Titulada: MITIGACIÓN DE LA NECROSIS EN PLANTAS DE ALGODÓN
TRANSGÉNICAS TOLERANTES AL GLIFOSATO TRATADAS CON
FORMULACIONES HERBICIDAS DE GLIFOSATO

JUAN PABLO CADENA SARMIENTO, vecino de Bogotá, portador de la tarjeta profesional No. 57492, obrando como apoderado de la sociedad **MONSANTO TECHNOLOGY LLC.**, según lo acredita el documento de poder presentado en esa División, para dar cumplimiento al requerimiento notificado por fijación en lista el 19 de octubre de 2007, 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:

1. Allegar documentos (2) donde consta la cesión del derecho a la Patente otorgado por los inventores al solicitante, debidamente apostillados, junto con sus correspondientes traducciones al castellano.
2. Allegar Reporte Preliminar Internacional sobre la Patentabilidad (Formas PCT/IB/373 y PCT/ISA/237).
3. ACLARAR que el título correcto de la solicitud, es "MITIGACIÓN DE LA NECROSIS EN PLANTAS DE ALGODÓN TRANSGÉNICAS TOLERANTES AL GLIFOSATO TRATADAS CON FORMULACIONES HERBICIDAS DE GLIFOSATO" y no como se indicó en el memorial petitorio.
4. Allegar Nueva Tarjeta de Propietario con el título corregido.
5. Allegar Extracto para publicación y Tarjeta de Archivo Temático

De la señora jefe atentamente,


JUAN PABLO CADENA SARMIENTO

C.C. No. 80.410.337 de Usaquén

Cra. 7 No. 71-21, Torre B, Piso 4

Bogotá, 20 de noviembre de 2007

MEV/JCN/aac

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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
DIVISION DE NUEVAS CREACIONES

PATENTE ☒ PCT/US2006/007871 MODELO DE UTILIDAD ☐ DISEÑO INDUSTRIAL ☐

SOLICITANTE/S. RAZON SOCIAL O APELLIDOS Y NOMBRES MONSANTO TECHNOLOGY LLC

DOMICILIO ST LOUIS, MISSOURI, ESTADOS UNIDOS DE AMERICA

APODERADO JUAN PABLO CADENA SARMIENTO

TITULO MITIGACION DE LA NECROSIS EN PLANTAS DE ALGODON TRANSGENICAS TOLERANTES AL GLIFO-SATO TRATADAS CON FORMULA... CLASIFICACION

EXPEDIENTE No. 07 089715 FECHA DE SOLICITUD 31-08-2007 ROLLO MICROFILM

CERTIFICADO No. FECHA DE CONCESION VIGENCIA DESDE HASTA

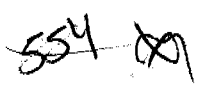
PRORROGA CAMBIO DE NOMBRE

TRASPASO A

INVENTOR (ES) STEPHEN D. PROSCH, MICHAEL E. SEITZ, ERIC A. HAUPFEAR, EDUARDO CASANOVA, PETER E.

OTROS ROGERS, DAVID R. EATON, DAVID Z. BECHER

OFICINA DE COMUNICACIONES

 SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO DIVISION DE NUEVAS CREACIONES TARJETA ARCHIVO TEMÁTICO PATENTE DE INVENCION ☒ PCT ☒ MODELO DE UTILIDAD ☐ DISEÑO INDUSTRIAL ☐					
(21) N° de solicitud: 07 089715		(22) Fecha de solicitud: 31-08-2007			
(51) Clasificación Internacional :					
(71) Solicitante(s) MONSANTO TECHNOLOGY LLC					
(72) Inventor(es) Stephen D. PROSCH, Michael E. SEITZ, Eric A. HAUPFEAR, Eduardo CASANOVA, Peter E. ROGERS, David R. EATON, David Z. BECHER					
(74) Agente: JUAN PABLO CADENA SARMIENTO					
(30) Prioridad	(31) No. Prioridad	(32) Fecha	(33) Pais	FIGURA CARACTERISTICA 6 x 6 cm	
	60/659,001	04-03-2005	US		
	60/713,948	01-09-2005	US		
(85) Fecha inicio fase nacional: 04-10-2007		(87) Publicación internacional:			
(86) Datos relativos a la presentación de la solíc. PCT		Fecha: 14-09-2006			
Fecha de presentación de la solicitud: 03-03-2006		No. Publicación: WO 2006/023560A2			
No. de solicitud: PCT/US2006/007871					
(54) Título: MITIGACIÓN DE LA NECROSIS EN PLANTAS DE ALGODÓN TRANSGÉNICAS TOLERANTES AL GLIFOSATO TRATADAS CON FORMULACIONES HERBICIDAS DE GLIFOSATO					
(57) Reivindicación(es): 1. Un método para controlar selectivamente las malezas en un campo que contiene un cultivo de plantas de algodón transgénicas tolerantes al glifosato que tienen mayor tolerancia a glifosato en tejidos vegetativos y reproductores, CARACTERIZADO PORQUE dicho método comprende: cuando hay al menos cinco nudos foliares en la planta de algodón de dicho cultivo, aplicar al follaje de dicho cultivo y de las malezas una cantidad suficiente de una formulación herbicida de glifosato que comprende N-(fosfonometil)glicina, o una sal aceptable para uso agronómico de la misma, para controlar el crecimiento de dichas malezas sin provocar lesiones reproductivas significativa mediadas por glifosato en dicha planta de dicho cultivo; y controlar la concentración de ácido N-(fosfonometil)imindiacético, y sales del mismo, presente en la formulación herbicida de glifosato y la dosis de aplicación de la formulación herbicida de glifosato a dicho cultivo y malezas en dicho campo con el fin de no inducir una necrosis foliar significativa en dichas plantas de algodón de dicho cultivo.					
CONTINUA AL RESPALDO ...					

From the INTERNATIONAL BUREAU

PCTNOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)

(PCT Rule 44bis. I(c))

To:

KELL, Vincent, M.
Senniger Powers
1 Metropolitan Square
16th Floor
St. Louis, MO 63102
ETATS-UNIS D'AMERIQUE

552

Date of mailing (day/month/year)

20 September 2007 (20.09.2007)

Applicant's or agent's file reference

MTC 6923.7

IMPORTANT NOTICE

International application No.

PCT/US2006/007871

International filing date (day/month/year)

03 March 2006 (03.03.2006)

Priority date (day/month/year)

04 March 2005 (04.03.2005)

Applicant

MONSANTO TECHNOLOGY LLC 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

Authorized officer

Ellen Moyse

Facsimile No. +41 22 338 82 70

e-mail: pt05.pct@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 MTC 6923.7	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2006/007871	International filing date (day/month/year) 03 March 2006 (03.03.2006)	Priority date (day/month/year) 04 March 2005 (04.03.2005)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant MONSANTO TECHNOLOGY LLC		

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).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 12 September 2007 (12.09.2007)
	Authorized officer Ellen Moyse e-mail: pt05.pct@wipo.int

PATENT COOPERATION TREATY

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From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/203

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2006/007871

International filing date (day/month/year)
03.03.2006

Priority date (day/month/year)
04.03.2005

International Patent Classification (IPC) or both national classification and IPC
INV. A01N57/20 A01N25/32 A01P13/02

Applicant
MONSANTO TECHNOLOGY LLC

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") except that 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 66.1bis(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 3 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 - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Date of completion of
this opinion

see form
PCT/ISA/203

Authorized Officer

Fort, Marianne

Telephone No. +31 70 340-4123



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No. **555**
PCT/US2006/007871

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
- ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) 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:

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing:

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic 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. ⁵⁵⁶
PCT/US2006/007871

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.

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international search (*specify*):

☐ 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 (*specify*):

☒ no international search report has been established for the whole application or for said claims Nos. ____

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13ter.1(a) or (b).

☐ a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Searching Authority in a form and manner acceptable to it.

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☒ See Supplemental Box for further details

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

International application No. 561 557

PCT/US2006/007871

Re Item III.

The present application contains 329 claims of which 42 are independent. There is no clear distinction between the independent claims because of overlapping scope, see for example the multiple claims relating to the method for selectively controlling weeds, to the herbicidal glyphosate composition, to the aqueous herbicidal concentrate, to the technical grade glyphosate composition, to the lot, run, shipment, campaign, segregate or supply and to the process for the preparation of glyphosate. There are so many claims, and they are drafted in such a way that the claims as a whole are not in compliance with the provisions of clarity and conciseness (Article 6 PCT), as it is particularly burdensome for a skilled person to analyse the subject-matter for which protection is sought. Since there is no reasonable basis in the application that clearly indicates the subject-matter which might be expected to form the subject-matter of the claims later in the procedure because of the multiple likely fallback positions in the description, no search at all was deemed possible and consequently the questions whether the claimed invention appears to be novel, to involve an inventive step or to be industrially applicable have not been examined by the International Searching Authority (Rule 66.1 (e) PCT).

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REPUBLICA DE COLOMBIA
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

Folio 611

2020
Bogotá D.C.,

Doctor(a)
CADENA SARMIENTO JUAN PABLO
Apoderado(a) y/o Representante de
MONSANTO TECHNOLOGY LLC.

REFERENCIA	Radicación No.	07 89715
	Solicitud internacional	PCT/US2006/007871
	Fecha inicio fase nacional	04/10/2007
	Trámite	11
	Evento	378
	Actuación	416
	Oficio No.	5331
	Folios	1

Teniendo en cuenta que la solicitud de privilegio de patente que se tramita bajo el expediente indicado en la referencia, reúne los requisitos de forma establecidos en la Decisión 486 de la Comisión de la Comunidad Andina, el Tratado de Cooperación en Materia de Patentes (PCT), el Reglamento y la Circular Única de la Superintendencia de Industria y Comercio, se envía el extracto de la solicitud a la Oficina de Comunicaciones para efecto de su publicación en la Gaceta de Propiedad Industrial.

Cúmplase
Dado en Bogotá DC,

ALIX CARMENZA CESPEDES DE VERGEL
Jefe de la división de Nuevas Creaciones

adpa10