OLARTERAISBECK
OLARTE RAISBECK MOURE & CASTRO LTDA.

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SLlERINTFN!)FNCIA DE INDUSTRIA Y C(MERCIO
I.)lV1SlCN DE NUEVAS (’iEAC[ONES
L. S.

Ex1wdiente No. 07-067.094
Solicitud de Patente de hivención titulada: "AYUD.A PARA IMSPENSADO HE PRE PARACIONES FARI1ACEUTICAS 0 COSMETICAS SEMISOLIDAS lNVASADAS EN UN ENVASE HE TWO SACHE"
Solicitante: BAYER SCHERING PHARMA AKTIENGESELLSCHAFT

RESPUESTA AL OFICIO No. 1072 NOTWICADO
POR FIJACION EN LISTA No. 274 HE FECHA 22 HE AGOSTO DE 20084
(EXAMEN 1)E FORMA)

.1. IAN RAISBECK. mayor de edad y vecino de Bogota, identificado tal corno aparece al pie de mi firma, en mi carÆcter de apoderado de la sociedad solicitante, me permito manifestar lo sigmente ante el aLito emanado de ese Despacho, dentro del plazo legal previsto en ci articulo 39 dc la DecisiOn 486, en los siguientes tØrminos:

En respuesta a Ia primera observaciOn del Examinador, me permito aportar junto al memorial, ci documento de cesiOn debidarnente legalizado, junto con su correspondiente traduce iOn. segfin lo prcvisto en el Art. 26- k de la Decision 486.

respuesta a la segunda ohservación del Exaininador, me permito aclarar a! despacho
cjLie Ia presente solicitud entra on Ease Nacional Capitulo I y pp CapItulo II corno inicialmente se

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Tel 1 57 1 601-7700, Fax + 57 1 601-7799, otfie(nrNc’k.oi, wwo]arter.HcLkcUn

OLARTERAISBECK
OLARTE RAISBECK MOURE & CASTRO LTDA.

pi-esentO. Para tal efecto, adjunto copia del Reporte Preliminar Internacional de Patentabilidad, el

coal, valga aclarar, no contiene anexos,

Atenianiente.

J. IAN RAISBECK

C. (’. N° 79376.996 de Bogota
(P. 135799 CSJ

Ajiexo. [)ocumento de Cesion
-. Reporte Prclirninar Internacional de l’atentabilidad

Pagina 2 de 2

Protocolo No. R 31812007

He explicado la prohibicion de intervención segün § 3 parrafo I No. 7 Ley de Documentaciôn. A ml pregunta, si existe alguna version previa en sentido de la norma, se contesto de forma negativa.

Yo certifico las firmas rendidas ante mi persona:

del seæor Dr. Stefan B r a c h t,
Nacido el 23 de Enero de 1964

- conocido en persona -

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Con domicillo de negocios en 13353 Berlin, MUflerstrasse 178.

Berlin, 14 de Junio de 2007

Firma
Notarlo

Calculo de gastos seqn 44 141, 154 reqlarnento de costos
Valor comercial: 12.000,00 Euros
Tarifa de legalizaci6n §§ 32,45 I 15,00 Euro
Tarifa de gestiOn § 58 15,00 Euro
. Gastos papelerla §§ 136,152 2,00 Euro
Gastos correo §§ 137, 152 4,35 Euro
36,35 Euro
19%IVA 691 Euro
43,26 Euro
Berlin, 14 de Junlo de 2007

Firma

Notario ^ Fzlc Adolf Watzkp
Traductor ofi’iaI
Res. 2433 Mm.

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APOSTILLA

(ConvenciOn de la Haya del 5 de octubre de 1961)

1. Pals: Rept.)blica Federal de Alemania
Este documento püblico
2. estÆfirmado por Dimitri R e m p e n
3. en su calidad de Notario en Berlin

4. el documento estª proveido con un sello del seæornotario

confirmado

5. en Berlin 6. El 19 de Junlo de 2007.. r)
7 por el presidente de la audiencia provincial en Berlin -
8. bajo el no. 9101 a E-F -3626107
9, SeDo: 10. Firma
Por orden

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Firma
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Adolf WatzkE-
Traductor ofic!al?f
Res. 2433 Mm. Justci4

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter 1 of the Patent Cooperation Treaty)

(PCI’ Rule 4414s)

Applicant’s or agent’s file reference FOR FURTHER ACTION See item 4 below
53247AW0

International application No. International filing date (day/month/year) Priority date (daylinonth/yeas’)
FCT/EP2006/0071 07 19 July 2006 (19.07.2006) 19 July 2005 (19.07.2005)
International Patent Classification (8th edition unless older edition indicated)
See relevant information in Form PCT/ISA/237

Applicant
BAYER SCHERING PHARMA AKTIENGESELLSCHAFT

’[his international preliminary report on patentability (Chapter 1) is issued by the International Bureau on behalf of the
International Searching Authority under Rule 44 his. 1(a).

2, This RI iPOR’]’ consists of a total of 6 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 1) instead,

3. This report contains indications relating to the following items:

Box No. 1 Basis of the report

Box No. II Priority

Box No. 1.1.] Non-establishment of opinion with regard to novelty, inventive step and industrial
applicability

ElBox 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 Cerisin 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 44bi.s.3(e) and 93bis.l but
not, except where the applicant makes an express request under Article 23(2). before the expiration of 30 months froni the priority
dale (Rule 44hi.c.2),

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
I Facsimile No. +4122 338 8270

Form. P(."l’/IH/373 (January 2004

Date of issuance of this report
29 January 2008 (29.01.2008)
Authorized officer

Ellen Moyse

e-mail: pt05.pct@w1po.1t

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PATENT COOPERATION TREATY

From the
INIERNAPION AL SEARCH INC AUTHORITY

To: PCT
vv

WRITTEN OPiNION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCI’ Rule 43b1s I)

Date of marling See form PCT/ISA/210 (day/month/year)
Applicants or agents file reference FOR FURTHER ACTION
5324 7AW0 See paragraph 2 below lnterrtational application No. International tiling date (day/month/sear) Priority (late (day/month/year) PCT/EP2006/007107 19.07.2006 19.07.2005 International Patent Classification (lI’C) or both national classification and IPC
B65D35/28 B65D83/00 A61J1/06 B65D75/58

Applicant
BAYER SCHERING PHARMA AXTIENGESELLSCHAFT

1. This opinion contains indications relating to the following items:

Hex No, I Harts of the opinion
YitoxNo.l1 Priority
Box N o. Ill NonestsibIishtnent olopinion with regard to novelty. inventive step and industrial applicability
ElBox No. 1V Lack of unity ofinvention
Box No. V Reasoned statement under Rule 43h1.c. I (a)(i) with regard to novelty, inventive step or industrial
applicability; citations and explanations supporting such statement
Box No. VI Cm-lain documents cited

Box No. Vii Certain defects in the international application
ElBox No. VIII Certain observations on the international application

2. FURTHER ACTION

If a deinanit for international preliminary examination it made, this opinion will be considered to be a written opinion of the International Preliminary Exatninirtg Authority (IPISA’) except that this does not apply where the applicant chooses art Authority outer than this one to he the IPl’IA and the chosen IPEA has notified the International Bureau under Rule 66.Ibi.s(h) that written opinions of
this International Searching Authority will not be so cottsidereA
Ii this opinion is, as provided above, considered to be a written opinion of the tIBiA, 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 Pc’TIISA/2211 or before the expiration of 22 months horn the priority date, whichever expires Eater.
For turther options, see Form PC]’/ISA/220.

3. For Itrrthrc details, sec notes to Form 11C171SA1220.

Name and irtailing address ofthe ISA./LtP Date of completion of this opinion Authorie.ect officer

Facsimile No, Telephone No.

Frsis t("171SA1237 (cover sheet) (April 2005)

E

WRITTEN OPINION OF THE International application No. INTERNATIONAL SEARCIflC AUTHORITY p CT / EP 2006 / 007 07
Ben No. 1 Basis of this opinion
I. 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
the translation of the international application into , which is the language of a ttatttlntion furnished for the purposes of international search (Rule 12.3(a) end 23. 1(h)).

2. With regard to any nucleotide and/or amino odd sequence disclosed in the international application and necessary to the claimed
invention, this opinion has been estahlishcd on the basis of.-

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i i : a.
type of material
a sequence listing
Etable(s) related to the iequencc listing
h, format of material
on paper
its electronic form
c. time of filing/furnishing
Elcontained 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 seqiiettce listing and/or table(s) relating thereto has been tiled or
furnished, the required statements that the information in the subsequent or additional copies it identical to that in the application as
filed or does not go beyond the application its Filed, as appropriate, were furnished.
4. Additional comments:

Form PC1/ISA/237 (Box No, I) (April 2005)

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WRIEN OPINION OF THE

International application No.
INTERNATIONAL SEARCHING AUTHORITY PC I / E P 200 6/007107
Box No, V Reasoned statement under Rule 43bl1(a)(i) with regard to novelty, tnvntive step or industrial applicability; citations and explanations supporting such statement
Statotocl

NovIty (N) Claims 1-6 YLIS

Claims NO

lnVCnt]Va step (IS) Claims 1-6

Claims

Industrial applicability (IA) cairns 1-6

Claims

2, Citations and explanations:

1 Reference is made to the following documents:
Dl: NO 01/17892 A2 (NESTLE SA [CH]; CHRISMAN
RANDALL C [US]; GUTIERREZ ANTONIO [CS]; OVERE)
15 March 2001 (2001-03-15)

2 Document Dl is considered to be the closest prior
aft. It discloses (the references between
parentheses relate to said document)
a dispenser (10) for semi -solid pharmaceutical
or cosmetic preparations in bag packs, having
a cubo.i.dal housing (12) The housing comprises
a top housing side (17), a housing base (13),
three closed side parts which are fitted at
90° angles between the top housing side. and
. housing base and have two opposite side parts (15, 16) which are of equal length and are
longer than the third side part (18), referred
to as a rear housing wall, an opening for
accommodating the hag pack (4), preferably
tubular bags or four-edge sealed bags, being
located opposite the rear housing wall, and
further comprises a movable discharging roller
(30) fitted in the housing,

Form PC’t/1sA/237 (Box No. V) (April 20(5)

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WRITTEN OPINION OF THE

lntcniational application No.
INTERNATIONAL SEARCH INC AUTHORITY PCI / E 2 00 6 / 007 107
Box No, V Reasoned statement under Rule 43b1s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

from which the subject matter of independent claim 1
differs in that:

the housing also comprises o movable bearing
surface, referred to as a slide, fitted on the
top housing side, a slot -like aperture
provided on the rear housing wall above, and
horizontally in relation to, the housing base,
an arresting plate or arresting means fitted
in a displaceable manner over the outer
surface of the rear housing wall, and two
. slot -like openings which are provided on the top housing side, along the two longitudinal
edges in each case, and serve as guide grooves
for the slide, and the discharging roller can
he moved by means of the slide.

2.1 The subject matter of claim 1 is thus novel (PCT
Article 33 (2)). The problem addressed by the present invention can therefore be considered that of
providing a more straightforward device for
discharging semi -solid preparations from bag
packs.

2.2 The solution which is proposed in claim 1 of the present application for the purpose of addressing
this problem involves an inventive step (PCT Article 33(3)) for the following reason:
the searched prior art does not suggest
discharging roller which can be moved by means
of a slide or an arresting means which is
fitted in a displaceable manner on the outer
surface of the rear housing wall.

morn):T/ISA/77 (Box No. V) (April 200)

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WRITTEN OPINION OF THE Iterna1]onal application No.
INTERNATIONAL SEARCHING AUTHORITY PC C / EP 2 00 6 / 007 107
Box No. V Reasoned statement under Rule 43his.1()(l) with regard to novelty, inventive step or industrial applicability;
citations and exlanalions 5upporlin such statement

2.3 Claims 2 and 3 are dependent on claim 1 and thus
likewise meet the PCT requirements for novelty and
inventive step.

3 Claim 4 describes a method of discharging semi-solid
preparations from a bag pack with a dispenser having
all the features of claim 1.

3.1 The subject matter of claim 4 is thus novel and

46 (3)).

an inventive step (PCT Article 33(2) and
(3)).

3.2 Claims 5 and 6 are dependent on claim 4 and thus
likewise meet the PCT requirements for novelty and inventive step.

lorm PCT/ISA/27 Bnx No. V (April 2005

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REPUBLICA DE COLOMBIA

St.JPERINTENDENCIA DE INDUSTRIA Y COMERCIO

Folio
2020

Bogota D.C.,

Doctor (a)
RAISBECK J. IAN

Apoderado(a) y/o Representante de
BAYER SCFIERING PHARMA AKTIENGESELLSCHAFT

EFERENCIA Radicación No. 7 67094
Soljcitud. internacional PCT/EP2006/007107
F’echa inicio fase nacional 19/02/2008
TrÆniite 11.
Evento 379
Actuación 416
Oficio No. 7802
Folios 1

Teniend.o en ciienta qi.ie la solicitud de priviiegio de patente que se tramita bajo ci exped.iente indicado en la referencia, redne los requisitos de forma establecid.os en la Decision 486 de la Comis–dn de la Comunidad Andina, el Tratado de CooperaciOn en

Materia de Patentes (PCT), ci Reglamento y la Circular Unica de la Superintendencia de Industria y Comercio, se envIa ci extractc de la solicitud a la Oficina de Coniunicaciones para efecto de su publicacidn en la Gaceta de Propiedad Industrial,

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DORI ELENA POLO CORDOBA

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hdustria y Comercio
SUPERINTENDENCIA

DIVISION DE NUEVAS CREACIONES

RADICACION EXPEDIENTE No.07-067094

EL EXTRACTO DE LA PRESENTE SOLICITUD DE PATENTE DE INVENCION

FUE PUBLICADO EN LA GACETA DE PROPIEDAD INDUSTRIAL No 604 DE

FECHA 29 DE MAYO DE 2009 EL TERMINO HABIL SE11ALADO POR LA LEY

EXPIRA EL 31 DE AGOSTO DEL 2009

NOTA: Dentro del plazo de los seis (6) meses siguientes a partir de la fecha de publicaciOn en la gaceta de Propiedad Industrial, deberâ solicitar y cancelar el examen de patentabilidad so pena de que la solicitud caiga en abandono, de acuerdo con lo establecido en el Articulo 44 de la DecisiOn 486/2000.

SE PRESENTARON OPOSICIONES POR PARTE DE TERCEROS.

SI X NO