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Señores

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

DIVISIÓN DE NUEVAS CREACIONES

E. _____ S. _____ D. _____

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 07-134572-00002-0000

Fecha: 2008-03-05 16:15:01 Dep: 2020 N. DE CREACIONES
Tra: 11 - PATENTE DE MARCA Va: 372 FASE NACIONAL II
Act: 44 - RESPUESTA REVISOR Pol: 28

Re: Expediente No. 07-134.572

Solicitud de Patente de Invención titulada: "AGONISTAS DEL RECEPTOR DE NIACINA, COMPOSICIONES QUE CONTIENEN TALES COMPUESTOS Y PROCEDIMIENTOS PARA TRATAMIENTO".

Solicitante: MERCK & CO., INC.

Nuestra Ref.: P2007/000206

RESPUESTA AL OFICIO No. 828 NOTIFICADO
POR FIJACION EN LISTA No. 18, DE FECHA 25 DE ENERO DE 2008
(EXAMEN DE FORMA)

CARLOS R. OLARTE, mayor de edad y vecino de Bogotá, identificado tal como aparece al pie de mi firma, en mi carácter de apoderado de la sociedad en referencia, me permito dar respuesta al auto emanado de ese Despacho, dentro del término legal previsto en el Artículo 39 de la Decisión 486, en los siguientes términos:

182-20
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1. En respuesta a la primera observación del Examinador, me permito aportar junto al presente memorial, un (1) documento de cesión debidamente legalizado (correspondientes a diez (10) inventores), junto con su correspondiente traducción, según lo previsto en el Art. 26- k de la Decisión 486.

2. En respuesta a la segunda observación del Examinador, me permito aclarar al despacho que la presente solicitud entra en Fase Nacional Capítulo I y no Capítulo II como inicialmente se presentó. Para tal efecto adjunto copia del Reporte Preliminar Internacional de Patentabilidad, el cual valga la pena aclarar no contiene anexos.

Atentamente,



CARLOS R. OLARTE
CC. No. 79.782.747 de Bogotá
T.P. 74.295

Adjunto: Documento de Cesión
Reporte Preliminar Internacional de Patentabilidad

18371
3

APOSTILLA

(Convención de la Haya, Octubre 5, 1961)

1. PAIS: ESTADOS UNIDOS DE AMERICA ESTE DOCUMENTO PUBLICO
2. HA SIDO FIRMADO POR BARBARA ANN COZZI
3. ACTUANDO EN SU CALIDAD DE NOTARIO PUBLICO DE NEW JERSEY
4. LLEVA EL SELLO /ESTAMPILLA DE BARBARA ANN COZZI, NOTARIO.

CERTIFICADO

5. EN TRENTON, NUEVA JERSEY
6. EL DIA 13 DE DICIEMBRE DE 2007
7. POR Michellene Davis, TESORERO DE NUEVA JERSEY
8. No. A311790
9. SELLO/ESTAMPILLA
10. FIRMADO

(HAY FIRMA) MICHELLENE

(SELLO DORADO): ESTADO DE NUEVA JERSEY

1901 112
9

RECONOCIMIENTO

ESTADO DE NUEVA JERSEY) SS:

CONDADO DE UNION)

Yo VERÓNICA BARONE, con el presente juro que las fotocopias anexas de: cesiones y acuerdos de estados unidos, Caso No. 21992Y, titulado "AGONISTAS DEL RECEPTOR DE NIACINA, COMPOSICIONES QUE CONTIENEN TALES COMPUESTOS Y PROCEDIMIENTOS PARA TRATAMIENTO", SON autenticas, correctas y completas copias de los documentos originales por los cuales yo tengo responsabilidad de custodia.

Firma.

VERÓNICA BARONE
ASOCIADO DE PERSONAL II

Suscrito y Juramentado ante mi el día 21 de septiembre de 2007.

(firma) BARBARA ANN COZZI
Notario Público de New Jersey
Mi comisión vence el 30 de Noviembre de 2008

Caso Extranjero No.: 21992Y

185 183
5

Caso Documento No. 21992Y
U.S. Serial No.
Fecha de presentación
Solicitud PCT No.
Fecha de presentación:

GESION Y ACUERDO

Por valor recibido, nosotros, Subharekha Raghavan, Steven L. Colletti, Fa-Siang Ding, Hong Shen, James R. Tata, Asheley Rouse Lins, Abigail Lee Smenton, Wichum Chen, y Darby Rye Schmidt respectivamente

Domiciliados en
900 Perry lane, Teaneck, New Jersey 07666; 3 Borosko Place, Princeton Junction, New Jersey 08550; 25 Faulkner Drive, Westfield, New Jersey 07090; 189 Hana Road, Edison, New Jersey 08817; 891 Pacific Street, Apt 2R, Brooklyn, New York 11238; 104 Fellswood Drive, Livingston, New Jersey 07039; y 25 Dawn Drive, Clark, New Jersey 07066, respectivamente,

con el presente vendo, cedo y transfiero a **MERCK & CO.**, una corporación del estado de New Jersey, con una sede en Lincoln Avenue, ciudad de Rahway, Estado de New Jersey, y sus sucesores, cesionarios y representantes legales, todo mi derecho, título e interés, para todos los países, en y para ciertos inventos relacionados con **"AGONISTAS DEL RECEPTOR DE NIACINA, COMPOSICIONES QUE CONTIENEN TALES COMPUESTOS Y PROCEDIMIENTOS PARA TRATAMIENTO"** descrito en una solicitud de Patente con Número de Registro de Abogado 21992Y, en la solicitud serial No. 60/694,711, radicada el 28/06/2005; Serial No. ; Radicada el; Serial No.; radicada el (es aplicable), y todos mis derechos y privilegios, incluyendo cualquiera y todos los beneficios bajo la Convención Internacional para la Protección de la Propiedad Industrial, bajo cualquiera y todas las Patentes que puedan ser conferidas, y bajo cualquiera y todas las extensiones, divisionales y re-expediciones y continuaciones de dicha solicitud por Patentes, incluyendo cualquier solicitud extranjera derivadas de la misma, equivalente, o reclamando prioridad en la misma.

Solicito que cualquiera y todos las Patentes por dichos inventos sen expedidas a dicho concesionario, o a sus sucesores, cesionarios, y representantes legales, o a sus nominados según este lo designe.

Acepto que, a solicitud, yo, sin costo alguno para dicho cesionario, pero por su cuenta, realizaré todos los juramentos legales, y haré todos los actos que sean necesarios, deseables o convenientes para asegurar y mantener las Patentes para dichos inventos en cualquiera y en todos los países para conferir título a dicho concesionario, o a sus sucesores, cesionarios, y representantes legales, o a sus nominados.

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Nosotros, acordamos con dicho cesionario, o a sus sucesores, cesionarios, y representantes legales, que los derechos y propiedad conferidos con el presente están libres de cualquier gravamen, y que yo tengo todo el derecho para transferir los mismos como se expresa en el presente.

Con el presente autorizo a mi apoderado RICHARD C. BILLUPS, o a un abogado con Poder de Representación en esta solicitud, del mencionado MERCK & CO., Inc, para insertar el Nr(s) de Serie, Solicitud PCT Nr(s) y Fecha(s) de Radicado de dicha solicitud(s) cuando sean conocidos.

Firmado en la ciudad de Rahway New Jersey el día 1 del mes de junio de 2006.

(Fdo) Subjarekha Raghavan
(Fdo) Steven L- Colletti
(Fdo) Fa-Xiang Ding
(Fdo) Hong Shen
(Fdo) James R. Tata
(Fdo) Asheley Rouse Lins

(Fdo) Abigail Lee Smenton
(Fdo) Wichun Chen
(Fdo) Darby Rye Schmidt

Estado de New Jersey
Condado de Unión

Personalmente comparecieron ante mi los citados Subharekha Raghavan, Steven L. Colletti, Fa-Siang Ding, Hong Shen, James R. Tata, Asheley Rouse Lins, Abigail Lee Smenton, Wichum Chen, y Darby Rye Schmidt, conocido para mi como la persona que ejecutó el instrumento que antecede y reconoció que dicho instrumento es de su libre acto y escritura al 1 día del mes de junio de 2006.

(FIRMADO Y SELLADO)
PAMELA S SPALDING
Notario Público, ESTADO DE NEW JERSEY
Mi comisión vence 6 de junio de 2009

197 7 284

APOSTILLA

(Convención de la Haya, Octubre 5, 1961)

1. PAIS: ESTADOS UNIDOS DE AMERICA ESTE DOCUMENTO PÚBLICO
2. HA SIDO FIRMADO POR BARBARA ANN COZZI
3. ACTUANDO EN SU CALIDAD DE NOTARIO PUBLICO DE NEW JERSEY
4. LLEVA EL SELLO /ESTAMPILLA DE BARBARA ANN COZZI, NOTARIO.

CERTIFICADO

5. EN TRENTON, NUEVA JERSEY
6. EL DIA 13 DE DICIEMBRE DE 2007
7. POR Michellene Davis, TESORERO DE NUEVA JERSEY
8. No. A311790
9. SELLO/ESTAMPILLA
10. FIRMADO

(HAY FIRMA) MICHELLENE

(SELLO DORADO): ESTADO DE NUEVA JERSEY

188 175
8

RECONOCIMIENTO

ESTADO DE NUEVA JERSEY) SS:

CONDADO DE UNION)

Yo VERÓNICA BARONE, con el presente juro que las fotocopias anexas de: cesiones y acuerdos de estados unidos, Caso No. 21992Y, titulado **"AGONISTAS DEL RECEPTOR DE NIACINA, COMPOSICIONES QUE CONTIENEN TALES COMPUESTOS Y PROCEDIMIENTOS PARA TRATAMIENTO"**, SON autenticas, correctas y completas copias de los documentos originales por los cuales yo tengo responsabilidad de custodia.

Firma.

VERÓNICA BARONE
ASOCIADO DE PERSONAL II

Suscrito y Juramentado ante mi el día 21 de septiembre de 2007.

(firma) BARBARA ANN COZZI
Notario Público de New Jersey
Mi comisión vence el 30 de Noviembre de 2008

Caso Extranjero No.: 21992Y

189 186
9

Caso Documento No. 21992Y
U.S. Serial No.
Fecha de presentación
Solicitud PCT No.
Fecha de presentación:

CESION Y ACUERDO

Por valor recibido, Yo, George Scott Tria

Domiciliados en: Villa La Jolla Drive, No. 260, La Jolla, California

con el presente vendo, cedo y transfiero a **MERCK & CO.**, una corporación del estado de New Jersey, con una sede en Lincoln Avenue, ciudad de Rahway, Estado de New Jersey, y sus sucesores, cesionarios y representantes legales, todo mi derecho, título e interés, para todos los países, en y para ciertos inventos relacionados con **"AGONISTAS DEL RECEPTOR DE NIACINA, COMPOSICIONES QUE CONTIENEN TALES COMPUESTOS Y PROCEDIMIENTOS PARA TRATAMIENTO"** descrito en una solicitud de Patente con Número de Registro de Abogado 21992Y, en la solicitud serial No. 60/694,711, radicada el 28/06/2005; Serial No. Radicada el; Serial No.; radicada el (es aplicable), y todos mis derechos y privilegios, incluyendo cualquiera y todos los beneficios bajo la Convención Internacional para la Protección de la Propiedad Industrial, bajo cualquiera y todas las Patentes que puedan ser conferidas, y bajo cualquiera y todas las extensiones, divisionales y re-expediciones y continuaciones de dicha solicitud por Patentes, incluyendo cualquier solicitud extranjera derivadas de la misma, equivalente, o reclamando prioridad en la misma.

Solicito que cualquiera y todos las Patentes por dichos inventos sen expedidas a dicho concesionario, o a sus sucesores, cesionarios, y representantes legales, o a sus nominados según este lo designe.

Acepto que, a solicitud, yo, sin costo alguno para dicho cesionario, pero por su cuenta, realizaré todos los juramentos legales, y haré todos los actos que sean necesarios, deseables o convenientes para asegurar y mantener las Patentes para dichos inventos en cualquiera y en todos los países para conferir título a dicho concesionario, o a sus sucesores, cesionarios, y representantes legales, o a sus nominados.

Nosotros, acordamos con dicho cesionario, o a sus sucesores, cesionarios, y representantes legales, que los derechos y propiedad conferidos con el presente están libres de cualquier gravamen, y que yo tengo todo el derecho para transferir los mismos como se expresa en el presente.

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Con el presente autorizo a mi apoderado RICHARD C. BILLUPS, o a un abogado con Poder de Representación en esta solicitud, del mencionado MERCK & CO., Inc, para insertar el Nr(s) de Serie, Solicitud PCT Nr(s) y Fecha(s) de Radicado de dicha solicitud(s) cuando sean conocidos.

Firmado en La Jolla, California el día 3 del mes de junio de 2006.

(Fdo) GEORGE SCOTT TRIA

Provincia de California
Condado de San Diego

Personalmente comparecieron ante mi los citados George Scott Tria, conocido para mi como la persona que ejecutó el instrumento que antecede y reconoció que dicho instrumento es de su libre acto y escritura a los 3 días del mes de junio de 2006.

(FIRMADO Y SELLADO)

NINA KIM

Comisión no 1654899

Notario Publico -California

Ciudad de San Diego

Mi comisión vence el 28 de marzo 2010

Caso Documento No.
U.S. Serial No.
Fecha de presentación
Solicitud PCT No.
Fecha de presentación:

21992Y

CESION Y ACUERDO

Por valor recibido, nosotros, Subharekha Raghavan, Steven L. Colletti, Fa-Siang Ding, Hong Shen, James R. Tata, Asheley Rouse Lins, Abigail Lee Smenton, Wichum Chen, y Darby Rye Schmidt respectivamente

Domiciliados en

900 Perry lane, Teaneck, New Jersey 07666; 3 Borosko Place, Princeton Junction, New Jersey 08550; 25 Faulkner Drive, Westfield, New Jersey 07090; 189 Hana Road, Edison, New Jersey 08817; 891 Pacific Street, Apt 2R, Brooklyn, New York 11238; 104 Fellswood Drive, Livingston, New Jersey 07039; y 25 Dawn Drive, Clark, New Jersey 07066, respectivamente,

con el presente vendo, cedo y transfiero a **MERCK & CO.**, una corporación del estado de New Jersey, con una sede en Lincoln Avenue, ciudad de Rahway, Estado de New Jersey, y sus sucesores, cesionarios y representantes legales, todo mi derecho, título e interés, para todos los países, en y para ciertos inventos relacionados con **"AGONISTAS DEL RECEPTOR DE NIACINA, COMPOSICIONES QUE CONTIENEN TALES COMPUESTOS Y PROCEDIMIENTOS PARA TRATAMIENTO"** descrito en una solicitud de Patente con Número de Registro de Abogado 21992Y, en la solicitud serial No. 60/694,711, radicada el 28/06/2005; Serial No. ; Radicada el; Serial No.; radicada el (es aplicable), y todos mis derechos y privilegios, incluyendo cualquiera y todos los beneficios bajo la Convención Internacional para la Protección de la Propiedad Industrial, bajo cualquiera y todas las Patentes que puedan ser conferidas, y bajo cualquiera y todas las extensiones, divisionales y re-expediciones y continuaciones de dicha solicitud por Patentes, incluyendo cualquier solicitud extranjera derivadas de la misma, equivalente, o reclamando prioridad en la misma.

Solicito que cualquiera y todos las Patentes por dichos inventos sen expedidas a dicho concesionario, o a sus sucesores, cesionarios, y representantes legales, o a sus nominados según este lo designe.

Acepto que, a solicitud, yo, sin costo alguno para dicho cesionario, pero por su cuenta, realizaré todos los juramentos legales, y haré todos los actos que sean necesarios, deseables o convenientes para asegurar y mantener las Patentes para dichos inventos en cualquiera y en todos los países para conferir título a dicho concesionario, o a sus sucesores, cesionarios, y representantes legales, o a sus nominados.

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Nosotros, acordamos con dicho cesionario, o a sus sucesores, cesionarios, y representantes legales, que los derechos y propiedad conferidos con el presente están libres de cualquier gravamen, y que yo tengo todo el derecho para transferir los mismos como se expresa en el presente.

Con el presente autorizo a mi apoderado RICHARD C. BILLUPS, o a un abogado con Poder de Representación en esta solicitud, del mencionado MERCK & CO., Inc, para insertar el Nr(s) de Serie, Solicitud PCT Nr(s) y Fecha(s) de Radicado de dicha solicitud(s) cuando sean conocidos.

Firmado en la ciudad de Rahway New Jersey el día 1 del mes de junio de 2006.

(Fdo) Subjarekha Raghavan
(Fdo) Steven L- Colletti
(Fdo) Fa-Xiang Ding
(Fdo) Hong Shen
(Fdo) James R. Tata
(Fdo) Asheley Rouse Lins

(Fdo) Abigail Lee Smenton
(Fdo) Wichun Chen
(Fdo) Darby Rye Schmidt

Estado de New Jersey
Condado de Unión

Personalmente comparecieron ante mi los citados Subharekha Raghavan, Steven L. Colletti, Fa-Siang Ding, Hong Shen, James R. Tata, Asheley Rouse Lins, Abigail Lee Smenton, Wichum Chen, y Darby Rye Schmidt, conocido para mi como la persona que ejecutó el instrumento que antecede y reconoció que dicho instrumento es de su libre acto y escritura al 1 día del mes de junio de 2006.

(FIRMADO Y SELLADO)
PAMELA S SPALDING
Notario Público, ESTADO DE NEW JERSEY
Mi comisión vence 6 de junio de 2009

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13
190
APOSTILLE

(CONVENTION DE LA HAYE DU 5 OCTOBRE 1961)

1. COUNTRY: UNITED STATES OF AMERICA
2. THIS PUBLIC DOCUMENT HAS BEEN SIGNED BY:
BARBARA ANN COZZI
3. ACTING IN THE CAPACITY OF:
NOTARY PUBLIC OF NEW JERSEY
4. BEARS THE SEAL/STAMP OF:
BARBARA ANN COZZI, NOTARY

CERTIFIED

5. AT TRENTON, NEW JERSEY
6. THE 13TH DAY OF DECEMBER 2007
7. BY: Michellene Davis, NEW JERSEY TREASURER
8. NO. A311790
9. SEAL/STAMP:
10. SIGNATURE



Michellene Davis

COLOMBIA 191
195 14

STATE OF NEW JERSEY)
) SS:
COUNTY OF UNION)

I, **VERONICA BARONE**, hereby swear that the attached photocopies of:

U.S. Assignments and Agreements, Case No. 21992Y, entitled NIACIN RECEPTOR
AGONISTS, COMPOSITINS CONTAINING SUCH COMPOUNDS AND METHODS OF
TREATMENT, are true, correct, and complete copies of the original documents for which I have
custodial responsibility.

Veronica Barone

VERONICA BARONE
STAFF ASSOCIATE II

Subscribed and sworn to before me this 21st day of September, 2007.

Barbara Ann Cozzi
NOTARY PUBLIC

BARBARA ANN COZZI
Notary Public of New Jersey
My Commission Expires Nov. 30, 2008

Foreign Case No.: 21992Y

Attorney Docket Number 21992Y

U.S. Serial No. _____

Filing Date _____

PCT Appl. No. _____

Filing Date _____

ASSIGNMENT AND AGREEMENT

For value received, I, George Scott Tria

residing at: 8558 Villa La Jolla Drive, #260, La Jolla, California

hereby sell, assign and transfer to MERCK & CO., Inc., a corporation of the State of New Jersey, having an office at Lincoln Avenue, City of Rahway, State of New Jersey, and its successors, assigns and legal representatives, my entire right, title and interest, for all countries, in and to certain inventions relating to

NIACIN RECEPTOR AGONISTS, COMPOSITIONS CONTAINING SUCH COMPOUNDS AND METHODS OF TREATMENT

described in an application for Patents having Attorney Docket Number 21992Y and in application(s) Serial No. 60/694,711
filed on 06/28/2005 ; Serial No. _____ filed on _____ ; Serial No. _____ filed on _____ (if applicable),

and my rights and privileges, including any and all benefits under the International Convention for the Protection of Industrial Property, under any and all Patents which may be granted therefor, and under any and all extensions, divisionals, reissues and continuations of said application for Patents, including any foreign applications derived therefrom, equivalent thereto or claiming priority thereof.

I request that any and all Patents for said inventions be issued to said assignee, or to its successors, assigns and legal representatives, or to such nominees as it may designate.

I agree that, when requested, I will, without charge to said assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining Patents for said inventions in any and all countries and for vesting title thereto in said assignee, its successors, assigns and legal representatives or nominees.

I covenant with said assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that I have full right to convey the same as herein expressed.

I hereby authorize my attorney Richard C. Billups
or an attorney with Power of Attorney in this application, of the said MERCK & CO., Inc., to insert the Serial No. (s), PCT Appl. No. (s), and Filing Date (s) of said application(s) when known.

Signed at La Jolla, California this 3 day of June, 2006.


George Scott Tria

Attorney Docket Number 21992Y

U.S. Serial No. _____

Filing Date _____

PCT Appl. No. _____

Filing Date _____

ASSIGNMENT AND AGREEMENT

mk
San Diego, California
County of San Diego } SS.

Personally appeared before me the above-named George Scott Tria
to me known and known to me to be the person who executed the foregoing instrument and acknowledged said instrument to be his
free act and deed this 3rd day of June, 2006.



Nina Kim
Notary Public

Attorney Docket Number 21992Y

U.S. Serial No. _____

Filing Date _____

PCT Appl. No. _____

Filing Date _____

ASSIGNMENT AND AGREEMENT

For value received, we, Subharekha Raghavan, Steven L. Colletti, Fa-Xiang Ding, Hong Shen, James R. Tata, Ashley Rouse Lins, Abigail Lee Smenton, Weichun Chen, and Darby Rye Schmidt

of 900 Perry Lane, Teaneck, New Jersey 07666; 3 Borosko Place, Princeton Junction, New Jersey 08550; 15 Pitcher Street, Staten Island, New York 10314; 3 Glacier Drive, West Windsor, New Jersey 08550; 25 Faulkner Drive, Westfield, New Jersey 07090; 189 Hana Road, Edison, New Jersey 08817; 891 Pacific Street, Apt 2R, Brooklyn, New York 11238; 104 Fellswood Drive, Livingston, New Jersey 07039; and 25 Dawn Drive, Clark, New Jersey 07066, respectively,

hereby sell, assign and transfer to MERCK & CO., Inc., a corporation of the State of New Jersey, having an office at Lincoln Avenue, City of Rahway, State of New Jersey, and its successors, assigns and legal representatives, our entire right, title and interest, for all countries, in and to certain inventions relating to
NIACIN RECEPTOR AGONISTS, COMPOSITIONS CONTAINING SUCH COMPOUNDS AND METHODS OF TREATMENT

described in an application for Patents having Attorney Docket Number 21992Y

and in application(s) Serial No. 60/694,711

filed on 06/28/2005

; Serial No.

filed on

; Serial No.

filed on

(if applicable),

and all our rights and privileges, including any and all benefits under the International Convention for the Protection of Industrial Property, under any and all Patents which may be granted therefor, and under any and all extensions, divisionals, reissues and continuations of said application for Patents, including any foreign applications derived therefrom, equivalent thereto or claiming priority thereof.

We request that any and all Patents for said inventions be issued to said assignee, its successor, assigns and legal representatives, or to such nominees as it may designate.

We agree that, when requested, we will, without charge to said assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining Patents for said inventions in any and all countries and for vesting title thereto in said assignee, its successors, assigns and legal representatives or nominees.

We covenant with said assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

This document may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, but all such counterparts shall together constitute but one and the same document.

We hereby authorize our attorney, Richard C. Billups or an attorney with Power of Attorney in this application, of the said MERCK & CO., Inc., to insert Serial No. (s), PCT Appl. No. (s) and Filing Date (s) of said application(s) when known.

Attorney Docket Number 21992Y

U.S. Serial No.

Filing Date

PCT Appl. No.

Filing Date

ASSIGNMENT AND AGREEMENT

Signed at Rahway, New Jersey this 1st day of June, 2006.

Subharekha Raghavan

Subharekha Raghavan

Steven L. Colletti

Fa-Xiang Ding

Hong Shen

James R. Tata

Ashley Rouse Lins

Abigail Lee Smenton

Weichun Chen

Darby Rye Schmidt

STATE OF NEW JERSEY

County of Union

SS.

Personally appeared before me the above-named Subharekha Raghavan Steven L. Colletti Fa-Xiang Ding Hong Shen James R. Tata Ashley Rouse Lins Abigail Lee Smenton Weichun Chen Darby Rye Schmidt

to me known and known to me to be the person(s) who executed the foregoing instrument and acknowledged said instrument to be their free act and deed this 1st day of June, 2006.

PAMELA S SPALDING
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Jan. 6, 2009

Pamela S. Spalding
Notary Public

PAMELA S SPALDING
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Jan. 6, 2009

PATENT COOPERATION TREATY

PCT/US2006/024740

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.1(c))

To:

MERCK & CO., INC.
126 East Lincoln Avenue
Rahway, New Jersey 07065-0907
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year)

17 January 2008 (17.01.2008)

Applicant's or agent's file reference

PCT 21992Y

IMPORTANT NOTICE

International application No.

PCT/US2006/024740

International filing date (day/month/year)

26 June 2006 (26.06.2006)

Priority date (day/month/year)

28 June 2005 (28.06.2005)

Applicant

MERCK & CO., INC. et al

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

RECEIVED
2008 FEB -1 PM 2:23
PATENT BUREAUThe International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Nora Lindner

Facsimile No. +41 22 338 82 70

e-mail: pt02.pct@wipo.int

PATENT COOPERATION TREATY

PCT

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

(PCT Rule 44bis)

197
201 20

Applicant's or agent's file reference PCT 21992Y	FOR FURTHER ACTION		See item 4 below
International application No. PCT/US2006/024740	International filing date (day/month/year) 26 June 2006 (26.06.2006)	Priority date (day/month/year) 28 June 2005 (28.06.2005)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant MERCK & CO., 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	Date of issuance of this report 09 January 2008 (09.01.2008)
	Authorized officer Nora Lindner e-mail: pt02.pct@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

202

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/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/US2006/024740

International filing date (day/month/year)
26.06.2006

Priority date (day/month/year)
28.06.2005

International Patent Classification (IPC) or both national classification and IPC
INV. A61K31/196 A61K31/33 C07C233/45 C07C233/46 C07D231/12 C07D249/06 C07D257/04 C07D261/20
C07D271/06 C07D277/30 C07D309/28 C07D401/04 C07D413/04 C07D417/04 C07D513/04 A61P3/06

Applicant
MERCK & CO., 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") 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
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Date of completion of
this opinion

see form
PCT/ISA/210

Authorized Officer

Bérillon, Laurent

Telephone No. +49 89 2399-7078



203 249 22

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2006/024740

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:

Box No. II Priority

1. ☐ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43b/s.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43b/s.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2006/024740

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. 23-28

because:

☒ the said international application, or the said claims Nos. 23-28 relate to the following subject matter which does not require an international search (*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 (*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**

205 2A
International application No.
PCT/US2006/024740

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

1. Statement

Novelty (N)	Yes: Claims	1-28
	No: Claims	
Inventive step (IS)	Yes: Claims	1-28
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-22
	No: Claims	

2. Citations and explanations

see separate sheet

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

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International application No.

PCT/US2006/024740

Re Item II

Priority

The P-documents cited in the international search report are only relevant under Article 33(1) PCT in case the priority is not valid. It is noted however that they are not prejudicial to the novelty nor to the inventive step of the claimed subject-matter (see item V).

Re Item III

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

Claims 23-28 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 Prior art

Reference is made to the following documents:

D1: WO 2006/052555

D2: WO 2006/057922

D3: WO 2005/016870

2 Novelty (Article 33(2) PCT)

The present compounds differ from D1-D3 in that their carbonylamino group and their R5 group (i.e. a carboxylic acid, tetrazole or $\text{CONHSO}_2\text{R}^*$ group) are bound to a double bond which is part of a partially saturated ring and not to a phenyl ring as in

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

2007 203 26
International application No.

PCT/US2006/024740

D1-D3.

3 Inventive step (Article 33(3) PCT)

The technical problem underlying the present application is regarded as the provision of further niacin receptor agonists for the treatment of diseases such as e.g. dyslipidemia.

In view of the significant structural differences between the present compounds and those of closest prior art D1-D3 (see item 2), the skilled person would not have expected the present compounds to be solutions of the above mentioned technical problem. Hence, an inventive step can be acknowledged for the present compounds which solve said technical problem.

4 Industrial applicability (Article 33(4) PCT)

For the assessment of the present claims 23-28 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.

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REPUBLICA DE COLOMBIA
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

Folios 204

2020

Bogotá D.C.,

Doctor(a)

OLARTE GARCIA CARLOS REYNALDO

Apoderado(a) y/o Representante de
MERCK & CO, INC.

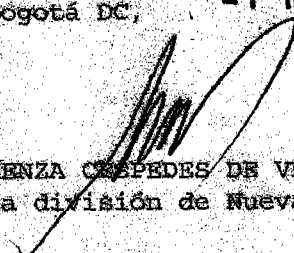
REFERENCIA	Radicación No.	7 134572
	Solicitud internacional	PCT/US2006/024740
	Fecha inicio fase nacional	28/01/2008
	Trámite	11
	Evento	379
	Actuación	416
	Oficio No.	7141
	Folios	1

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,

27 NOV. 2008


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

adpall