BAKER & MCKENZIE

Baker & McKenzie Colombia S.A.
Av. 82 No. 10 - 62 Piso 6
Bogotá, Colombia

NIT: 900.034.906-9
Tel: +57 1 634 1500
Fax: +57 1 376 2211
www.bakernet.com

Señora
Alix Carmenza Céspedes de Vergel
Jefe de División de Nuevas Creaciones
SUPERINTENDENCIA DE INDUSTRIA Y COME
E. S. D.

Referencia: Expediente No. 08.013.345
Solicitud de Patente de Invención titulada: "Método para aplicar recubrimientos químicos"

Solicitante: TMC-IP, LLC

MEMORIAL DE COMPLEMENTACIÓN

ÁLVARO CORREA ORDÓÑEZ, mayor de edad y vecino de Bogotá D.C., identificado según aparece al pie de mi firma, en mi condición de apoderado de la sociedad en referencia, manifiesto lo siguiente:

1. El 11 de febrero de 2008, bajo el número de radicación 08.013.345, presenté la solicitud de patente de invención de la referencia, para la cual adjunto Reporte Preliminar Internacional (IPER), para cumplir con los requisitos establecidos por la Decisión 486.

Atentamente,

ÁLVARO CORREA ORDÓÑEZ
C.C.No.79.143.366 de Usaquén
T.P.20.281

2

PATENT COOPERATION TREATY

PCT/US2006/030462

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING TRANSMITTAL OF COPY OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (CHAPTER I OF THE PATENT COOPERATION TREATY)
(PCT Rule 44bis.1(c))

To:

ROSE, David, A.
Conley Rose, P. C.
P. O. Box 3267
Houston, Texas 77253-3267
ETATS-UNIS D'AMERIQUE

Date of mailing *(day/month/year)* 09 April 2009 (09.04.2009)	
Applicant's or agent's file reference 2440-00101	**IMPORTANT NOTICE**

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2006/030462	04 August 2006 (04.08.2006)	12 August 2005 (12.08.2005)

Applicant
TMC-IP, 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

Facsimile No. +41 22 338 82 70

Authorized officer
Simin Baharlou

e-mail: pt09.pct@wipo.int

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US06/30462

Box No. I 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

☐ 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. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, 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.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) 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.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US06/30462

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)	Claims 3-9, 18, 20, 22, 23	YES
	Claims 1, 2, 10-17, 19, 21, 24-28	NO
Inventive step (IS)	Claims NONE	YES
	Claims 1-28	NO
Industrial applicability (IA)	Claims 1-28	YES
	Claims NONE	NO

2. Citations and explanations:

Please See Continuation Sheet

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY	International application No. PCT/US06/30462

Supplemental Box
In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-2, 11-17, 19, 21, 24-28 lack novelty under PCT Article 33(2) as being anticipated by Pitre (US 2,579,610).
Pitre discloses a method for applying an anti-fouling coating onto a marine surface (See column 1, lines 4-10, the method comprising: (a) heating an anti-fouling mixture at a temperature sufficient to maintain said mixture as a liquid, (b) agitating said liquid sufficiently to maintain a homogeneous mixture) (See column 13, lines 11-38), and (c) applying said agitated liquid to the marine surface (See column 16, lines 24-25) that has previously been coated with a hot-melt anticorrosive paint (claimed tie coat) onto metallic (See column 30, lines 59-60) surface (See column 2, lines 47-50).
As to claim 19, the top coat is heated to a temperature 3000F before applying to the surface (See column 13, lines 27-35).
As to claim 21, the antifouling paint is normally applied in thickness of 1/2mm to ¾ mm (19.7-29.5 mils).

. Claims 1, 11-17, 19, 24-28 lack novelty under PCT Article 33(2) as being anticipated by Francis (US 2,838,419) and Francis (US 2,602,752).
Francis '419 discloses a method for applying a thermoplastic coating onto a metallic surface exposed under sea water (See column 1, lines 26-27), the method comprising: (a) depositing a hot-melt anticorrosive paint (claimed tie coat) onto the metallic surface (See column 2, lines 18-24), and (b) depositing a hot plastic antifouling paint (claimed thermoplastic material) onto said anticorrosive paint coat (See column 1, lines 65-67).
As to claims 11-17, Francis '419 discloses that the antifouling paint is a paint described in the Patent 2,602,752 (See column 4, lines 26-32). The Patent 2,602,752 discloses antifouling paint comprising a wax and copper (See column 4, lines 9-24).
As to claim 19, Francis '419 discloses that the top coat is heated to a temperature of 250- 3000F before applying to the surface (See column 3, lines 53-65).

Claims 3, 9, 14, 21-23 lack an inventive step under PCT Article 33(3) as being obvious over Pitre/Francis '419 and Francis '752/.
The cited prior art is applied here for the same reasons as above. The cited prior art fails to teach that the surface is cleaned before painting. However, it is well known in the coating art to clean the surface to be painted before applying the paint.
As to claims 9, 21-23, it is well known in the art that the thicker the layer the better protection. Therefore, thicknesses of both paint layers would depend on particular protection needed. For example, Francis '419 teaches that the anticorrosive paint composition deposits a single coat of thicknesses up to the order of twenty mils that will readily spread smoothly and will not run, sag or flow from a vertical surface during painting (See column 3, lines 59-65). The coating of 20 mils is exceptionally resistant to penetration by sea water (See column 4, lines 4-15). The anticorrosive coat can be top coated with a relatively thinner coat of more expensive antifouling paint (See column 4, lines 16-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY	International application No. PCT/US06/30462

Supplemental Box
In case the space in any of the preceding boxes is not sufficient.

determined the optimum values of the relevant parameters (including those of claimed invention) in the cited prior art through routine experimentation depending on particular coating composition in the absence of a showing of criticality.
As to claim 14, the Examiner takes official notice that it is a common knowledge in the art that leach rate of toxic materials should not exceed a certain limit established by Regulatory agencies. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have adjusted the leach rate of toxic materials (including those of claimed invention) in the cited prior art not to exceed a certain limit.

Claim 3 lacks an inventive step under PCT Article 33(3) as being obvious over Pitre/Francis '419 and Francis '752/, in view of Langfeldt (US 1,397,103).
The cited prior art is applied here for the same reasons as above. The cited prior art fails to teach that the surface is cleaned before painting.
Langfeldt teaches that the practice of coating ship bottoms bas been to coat the cleaned steel plates of the ships' hulls first with an anticorrosive paint and to coat anti-fouling paint to the dried anticorrosive coat of to prevent barnacles, seaweeds and the like from attaching themselves to the bottom (See page 1, lines 14-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have cleaned the surface before applying the anticorrosive paint in the cited prior art, according to conventional practice.

Claims 4-8, 10, 11, 18, 20 lack an inventive step under PCT Article 33(3) as being obvious over Pitre/Francis '419 and Francis 752/, in view of Inoue et al (JP 2000037658).
The cited prior art is applied here for the same reasons as above. The cited prior art fails to teach that the anticorrosive coat is an epoxy that includes a curing agent and a resin (Claim 4); where the curing agent comprises a polyamine (Claim 5), and the resin comprises a bisphenol resin (Claim 6).
Inoue et al teach that a corrosion proofing paint containing a bisphenol epoxy resin and a polyamine hardening agent or a polyol and a polyisocyanate-based hardening agent, applied to the ship's outside plate, as an undercoating paint (a primer) for antifouling top coat provides superior anticorrosion (See Abstract).
It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a corrosion proofing paint containing a bisphenol epoxy resin and a polyamine hardening agent for forming an anticorrosive coat in the cited prior art with the expectation of providing the desired superior anticorrosion, as taught by Inoue et al.
As to claims 7-8, 11, 18, 20, the Examiner takes official notice that limitations of the claims 7-8, 18, 20 would be met inherently because the process of the cited prior art would be substantially identical to that of claimed process.

Claims 1-28 meet the criteria set out in PCT Article 33(4), and thus meet industrial applicability because the subject matter claimed can be made or used in industry.

PATENT COOPERATION TREATY

PCT

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

(PCT Rule 44*bis*)

Applicant's or agent's file reference 2440-00101	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/US2006/030462	International filing date *(day/month/year)* 04 August 2006 (04.08.2006)	Priority date *(day/month/year)* 12 August 2005 (12.08.2005)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant TMC-IP, 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 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 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 44*bis*.3(c) and 93*bis*.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 44*bis* .2).

	Date of issuance of this report 31 March 2009 (31.03.2009)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Simin Baharlou
Facsimile No. +41 22 338 82 70	e-mail: pt09.pct@wipo.int

Form PCT/IB/373 (January 2004)

8

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
DAVID A. ROSE
CONLEY ROSE, P.C.
P.O. BOX 3267
HOUSTON, TX 77253-3267

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing (*day/month/year*)	21 MAR 2008
Applicant's or agent's file reference 2440-00101	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date (*day/month/year*)	Priority date (*day/month/year*)
PCT/US06/30462	04 August 2006 (04.08.2006)	12 August 2005 (12.08.2005)

International Patent Classification (IPC) or both national classification and IPC

IPC: **B05D 1/36**(2006.01);**B05D 3/00**(2006.01)
USPC: 427/299,385.5,402,409

Applicant

TMC-IP, 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 43*bis*.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 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 66.1*bis*(*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/ US	Date of completion of this opinion	Authorized officer
Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	19 March 2008 (19.03.2008)	Tim Meeks Telephone No. 571-272-1423

Form PCT/ISA/237 (cover sheet) (April 2007)

9

Industria y Comercio
SUPERINTENDENCIA

DIVISIÓN DE NUEVAS CREACIONES

RADICACIÓN EXPEDIENTE No.08-013345

EL EXTRACTO DE LA PRESENTE SOLICITUD DE **PATENTE DE INVENCIÓN**

FUE PUBLICADO EN LA GACETA DE PROPIEDAD INDUSTRIAL No **603** DE

FECHA **30** DE **ABRIL DE 2009** EL TÉRMINO HÁBIL SEÑALADO POR LA LEY

EXPIRA EL **31** DE **JULIO** DEL **2009**

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

SE PRESENTARON OPOSICIONES POR PARTE DE TERCEROS.

SI ____ NO__ **X** ____