

**Señora Jefe
DIVISIÓN DE NUEVAS CREACIONES
SUPERINTENDENCIA DE INDUSTRIA Y
Bogotá, D.C.**

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 08-012441- -00002-0000

Fecha: 2008-04-09 11:29:21 Dep. 2020 NUECREACIONI
Tra. 11 PATENTEIYII Eve: 378 FASENACIONALI
Act. 444 RESPUESTAREQUE Folios: 15

**Re.: Expediente No. 08 12.441
Fase Nacional Solicitud de Patente PCT
a nombre de
CHIQUITA BRANDS, INC.
Código 011 – 378 - 444**

En relación con la solicitud contenida en el expediente de la referencia y, en particular, para dar respuesta a su último requerimiento hecho dentro del mismo, dentro del término conferido, por medio del presente escrito me permito manifestarle:

1. Acompaño copia certificada de los documentos donde consta la cesión del derecho a las patentes de los Inventores:

- Raul Fernandez
- Pat Foster
- Carlos Beltrán
- Julio Urquiagua

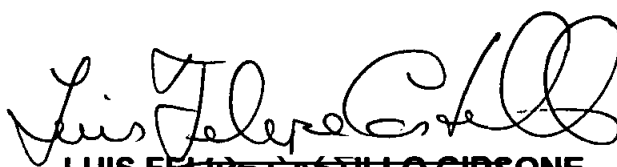
a favor de la sociedad solicitante Chiquita Brands, Inc., debidamente firmados, autenticados por Notario Público y legalizados por Apostilla.

2. Acompaño copia auténtica del poder conferido por mi representada, Chiquita Brands, Inc., debidamente firmado, autenticado por Notario Público quién certifica la existencia y representación legal de la sociedad, y legalizado por Apostilla.

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 Usted Atentamente,



LUIS FELIPE CASTILLO GIBSONE
T.P. No. 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 ANDREW BENJAMIN ULMER

3. acting in the capacity of Attorney at Law, Notary Public, State of Ohio

4. bears the seal/stamp of Notary Public, State of Ohio

CERTIFIED

5. at Columbus, Ohio

6. March 27, 2008

7. by the Secretary of State of Ohio.

8. No. 301240

9. Seal/Stamp:

10. Signature:



A handwritten signature in black ink, appearing to read "Jennifer Brunner", with a long horizontal flourish extending to the right.

Jennifer Brunner
Secretary of State of Ohio

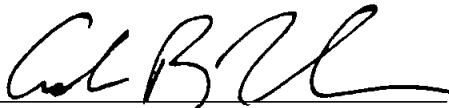
This certification certifies only the authenticity of the signature of the official who signed the document, the capacity in which that official acted, and where appropriate, the identity of the seal or stamp which the document bears. This certification does not imply that the contents of the document(s) are correct, nor that they have the approval of this office.

STATE OF OHIO

SS

COUNTY OF HAMILTON

I hereby certify that the annexed is a true copy of the assignment.
Based on and claims priority of United States Serial Number 60/697,722 filed
July 8, 2005.



Andrew B. Ulmer
Notary Public

Date March 24, 2008



ANDREW BENJAMIN ULMER
Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration
Section 147.03

32
5

ASSIGNMENT

WHEREAS, WE, Raul Fernandez, a citizen of the United States, residing at 1790 Lakeshore Circle, Weston 33326; Pat Foster, a citizen of the United States, residing at 7185 NW 80th Way, Tamarac 33321, both County of Broward; Carlos Beltran, a citizen of the United States, residing at 8186 Samari Lakes Drive, Hialeah Gardens 33016; and Julio Urquiaga, a citizen of the United States, residing at 8920 SW 19th Street, Miami 33165, both County of Miami-Dade, all State of Florida, (hereinafter referred to as "ASSIGNORS"), have invented a DEVICE FOR CONTROLLING THE GAS MEDIUM INSIDE A CONTAINER, which was filed on the 8TH day of July, 2005, Serial No. 60/697,722; and

WHEREAS, Chiquita Brands, Inc., a corporation duly organized and existing under the laws of the State of Delaware (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the entire interest therein:

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, hereby sell, assign, and transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said provisional patent application, and U.S. utility patent applications based thereon, and all divisions, renewals, and continuations of said utility applications, and all patents of the United States which may be granted on said utility applications, and all reissues, reexaminations and extensions thereof; and all Patents of the United States which may be granted thereon 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 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 and designs, which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals, reexaminations and reissues thereof;

ASSIGNORS 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.

ASSIGNORS HEREBY grant the firm of Frost Brown Todd LLC the power to insert in this Assignment any further identification or information which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

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

ASSIGNORS HEREBY further covenant and agree that they will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to them respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue, reexamination 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.

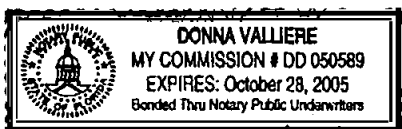
[Signature]
Raul Fernandez

STATE OF FLORIDA

COUNTY OF Broward

)
) SS:
)

Sworn to and subscribed before me this 5 day of August, 2005.



[Signature]
Notary Public

[Signature]
Pat Foster

STATE OF FL

COUNTY OF Broward

)
) SS:
)

Sworn to and subscribed before me this 4 day of August, 2005.



[Signature]
Notary Public

734

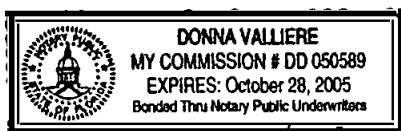
Carlos A. Beltran

Carlos Beltran

STATE OF FLORIDA)

COUNTY OF Broward) SS:

Sworn to and subscribed before me this 5 day of AUGUST, 2005



Donna Valliere

Notary Public

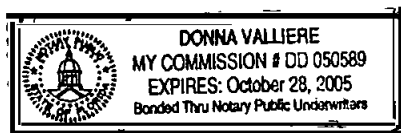
Julio Arquiaga

Julio Arquiaga

STATE OF FLORIDA)

COUNTY OF Broward) SS:

Sworn to and subscribed before me this 4 day of August, _____



Donna Valliere

Notary Public

APOSTILLE

(Convention de la Haye du 5 octobre 1961)

1. Country: United States of America

This public document

2. has been signed by ANDREW BENJAMIN ULMER

3. acting in the capacity of Attorney at Law, Notary Public, State of Ohio

4. bears the seal/stamp of Notary Public, State of Ohio

CERTIFIED

5. at Columbus, Ohio

6. March 27, 2008

7. by the Secretary of State of Ohio.

8. No. 301241

9. Seal/Stamp:

10. Signature:



A handwritten signature in cursive script, reading "Jennifer Brunner".

Jennifer Brunner
Secretary of State of Ohio

This certification certifies only the authenticity of the signature of the official who signed the document, the capacity in which that official acted, and where appropriate, the identity of the seal or stamp which the document bears. This certification does not imply that the contents of the document(s) are correct, nor that they have the approval of this office.

STATE OF OHIO

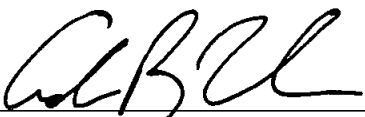
:

SS

COUNTY OF HAMILTON

:

I hereby certify that the annexed is a true copy of the assignment.
Based on and claims priority of United States Serial Number 11/427,201 filed
June 28, 2006.



Andrew B. Ulmer
Notary Public

Date March 24, 2008



ANDREW BENJAMIN ULMER
Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration
Section 147.03

ASSIGNMENT

WHEREAS, WE, Raul Fernandez, a citizen of the United States, residing at 1790 Lakeshore Circle, Weston 33326; Pat Foster, a citizen of the United States, residing at 7185 NW 80th Way, Tamarac 33321, both County of Broward; Carlos Beltran, a citizen of the United States, residing at 8186 Samari Lakes Drive, Hialeah Gardens 33016; and Julio Urquiaga, a citizen of the United States, residing at 8920 SW 19th Street, Miami 33165, both County of Miami-Dade, all State of Florida, (hereinafter referred to as "ASSIGNORS"), have invented a DEVICE FOR CONTROLLING THE GAS MEDIUM INSIDE A CONTAINER, which was filed on the 28TH day of June, 2006, Serial No. 11/427,201; and

WHEREAS, Chiquita Brands, Inc., a corporation duly organized and existing under the laws of the State of Delaware (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the entire interest therein:

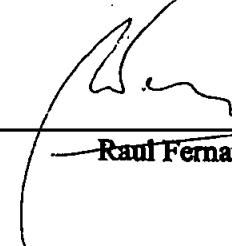
NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, WE, the said ASSIGNORS, hereby sell, assign, and transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said provisional patent application, and U.S. utility patent applications based thereon, and all divisions, renewals, and continuations of said utility applications, and all patents of the United States which may be granted on said utility applications, and all reissues, reexaminations and extensions thereof; and all Patents of the United States which may be granted thereon 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 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 and designs, which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals, reexaminations and reissues thereof;

ASSIGNORS 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.

ASSIGNORS HEREBY grant the firm of Frost Brown Todd LLC the power to insert in this Assignment any further identification or information which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

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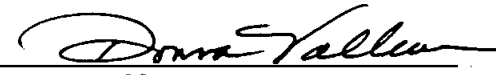


Raul Fernandez

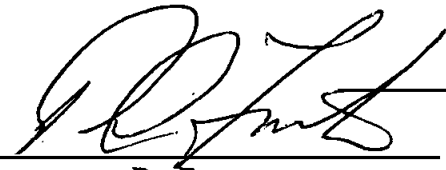
STATE OF FLORIDA)
) SS:
COUNTY OF Broward)

Sworn to and subscribed before me this 21 day of July, 2006.





Notary Public



Pat Foster

STATE OF FLORIDA)
) SS:
COUNTY OF Broward)

Sworn to and subscribed before me this 21 day of July, 2006.





Notary Public

Carlos D. Beltran

Carlos Beltran

STATE OF Florida

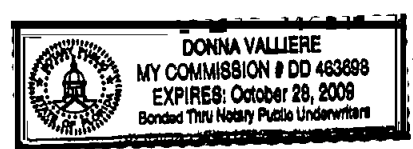
COUNTY OF Broward

)
) SS:
)

Sworn to and subscribed before me this 21 day of July, 2006.

Donna Valliere

Notary Public



Julio Orquiaga

Julio Orquiaga

STATE OF Florida

COUNTY OF Broward

)
) SS:
)

Sworn to and subscribed before me this 21 day of July, 2006.

Donna Valliere

Notary Public



APOSTILLE

(Convention de la Haye du 5 octobre 1961)

1. Country: United States of America

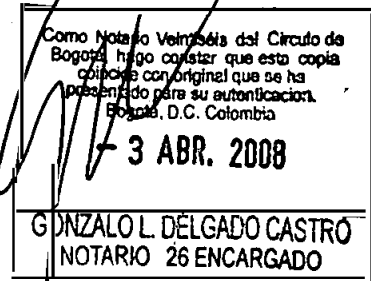
This public document

2. has been signed by **GREGORY HARTMANN**
3. acting in the capacity of **Clerk of Court of Common Pleas**
4. bears the seal/stamp of **Court of Common Pleas, Hamilton County**

CERTIFIED

5. at Columbus, Ohio
6. **March 19, 2008**
7. by the Secretary of State of Ohio.
8. No. **311763**
9. Seal/Stamp:

10. Signature:



Jennifer Brunner
Secretary of State of Ohio

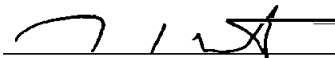
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17 11

STATE of OHIO
COUNTY OF HAMILTON } ss.

I, GREGORY HARTMANN Clerk of the Common Pleas Court,
the same being a court of record for aforesaid county, having by law a seal do hereby certify that
BARBARA L KOBASUK Esq., whose name is subscribed to the attached certificate was at
the time a NOTARY PUBLIC, duly commissioned and sworn, and at the time of taking said acknowledgement,
proof or affidavit, was residing in said county, and was, as such, an officer of said state, duly authorized by
the laws thereof to take and certify the same, as well as to take and certify the proof and acknowledgement
of deeds and other instruments in writing to be recorded in said state, and that full faith and credit are and
ought to be given to his official acts; and I further certify that I am well acquainted with his handwriting, and
truly believe that the signature to the attached certificate is his genuine signature. I further certify that the
filing of the impression of the notary seal is not required in this state.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal this 14TH day of MARCH, 20 08



GREGORY HARTMANN

Clerk of Common Pleas Court, Hamilton County, Ohio

Como Notario Veintiseis del Circuito de
Bogotá, luego constar que esta copia
concuerda con original que se ha
presentado para su autenticación.
Bogotá, D.C. Colombia

- 3 ABR. 2008

GONZALO L. DELGADO CASTRO
NOTARIO 26 ENCARGADO

EN BLANCO
NOTARIA VEINTISEIS

15 12

Castillo Grau & Associates

Law Offices
P.O. Box 251473
Bogotá, Colombia

FOR PATENTS AND TRADEMARKS IN
COLOMBIA

PODER GENERAL

(1) CHIQUITA BRANDS, INC.

domiciliado en (2) 25th Floor, 250 East Fifth Street, Cincinnati, Estado de Ohio, E.U.A.

nombra al Dr. Germán Castillo Grau y/o Adriana Castillo Gibsone y/o Luis Felipe Castillo Gibsone

con oficinas en la Carrera 13 No. 37-43, Piso 12 en Bogotá, D.C., Colombia como sus representantes con poder especial amplio y suficiente, para recabar de las oficinas y autoridades Colombianas, administrativas, judiciales o de policía, en primera o segunda instancia, la Obtención de Patentes de Invención, Registro de Marcas, de Diseños Industriales, de Nombres y Enseñas Comerciales, lo mismo que traspasos, extensiones, renovaciones, cambios de nombre y domicilio, registro de licencias de explotación y registro de licencias de uso referentes a tales actuaciones, a cuyo efecto les faculta para dar ante dichas autoridades todos los pasos necesarios al objeto indicado, elevar solicitudes, formular descripciones, enmiendas, protestas, declaraciones, apelaciones y reclamos, solicitar la aplicación de medidas cautelares, aceptar en nuestro nombre y representación la Cesión de derechos de invención y de patente de invención que se nos haga por cualquier persona, abonar todos los impuestos cuotas y pagos determinados por la ley, recibir todos los documentos y valores dando el descargo respectivo, llenar cualesquiera otros requisitos, desistir, y tomar en fin todas las medidas que creyeren conducentes al resguardo de nuestros intereses y en caso de presentarse oposiciones para que intervengan como demandantes o como demandados, con todas las demás facultades legales necesarias. Este poder comprende además las facultades de recibir, desistir, transigir, comprometer, sustituir, revocar sustituciones, recibir notificaciones y nombrar apoderados judiciales o extra-judiciales

Dado y firmado en (4)

Firma/Signature

Barbara M. Howland

Corporate Seal to be Affixed

GENERAL POWER OF ATTORNEY

(1) CHIQUITA BRANDS, INC.

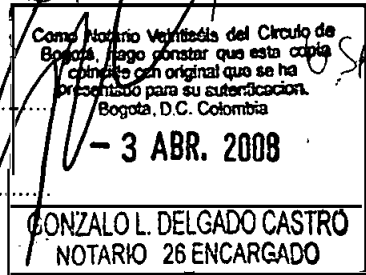
domiciled in (2) 25th Floor, 250 East Fifth Street, Cincinnati, Ohio, U.S.A.

hereby appoint Dr. Germán Castillo Grau and/or Adriana Castillo-Gibsone and/or Luis Felipe Castillo-Gibsone

with offices at Carrera 13 No. 37-43, 12th Floor in Bogotá, Colombia as our representatives with special ample and sufficient power to obtain from the offices and Colombian authorities, administrative, judicial and police, in first or in second instance, Patents of Invention, registration of Trade or Service Marks, Industrial Designs, of Commercial Names and Ensigns, as well as assignments, extensions, renewals, changes of names and addresses, registration of licences of exploitation and licences of use referring to said actions who are empowered to take before said authorities all of the necessary steps for the purposes indicated, to file applications, to formulate descriptions, corrections, protests, declarations, appeals and claims, apply for precautionary measures, to accept on our behalf and representation the assignment of rights on invention and titles of invention that may be given to us by any person, to pay all taxes, quotas and payments prescribed by law, to receive all the documents and proceeds giving the respective acquiescence or receipt, to fulfill any other requisites to desist and take in fact any other measures that may be deemed conducive to the safeguard of our interests, and in case oppositions are presented to intervene as plaintiff or defendant, with all necessary legal faculties. This power includes the faculties to receive, desist, compromise, transact, substitute it in all or in part, to revoke substitutions, to receive notifications and to appoint judicial or extra-judicial attorneys.

Given and signed in (4)

Cincinnati, OH 45202



DECLARACION NOTARIAL
(Individual)

A los 5 días del mes de Mayo de 2007⁸
compareció personalmente ante mí, Notario
Público el/la señor(a)

A quien(es) doy fe de conocer y me consta que
es(son) la(s) persona(s) descrita(s) y firmante(s)
del documento que precede, declarando ante mí
que otorga(n) el mismo para los fines y
propósitos que en él se expresan.

El Notario Público

.....
(Sociedades)

El infrascrito Notario certifica: que la(s) firma(s)
que antecede(n) y dice(n):

.....
es (son) auténtica(s); que el (los) signatario(s)
desempeña(n) el (los)

cargo(s) de

.....
de **CHIKUITA BRANDS, INC.**

que tiene(n) facultad para otorgar este poder; y
que dicha compañía está domiciliada en
Cincinnati, Estado de Ohio, E.U.A.

y actualmente existe y está organizada de
acuerdo a las leyes de

.....
Todos los hechos anteriores le constan por
haber examinado los documentos respectivos y
de todo ello da fe.

Dado y firmado en Cincinnati,
Ohio 45202 USA

El Notario Público

(Con Apostilla)

BARBARA L. KOZASUK
Notary Public, State of Ohio
My Commission Expires 09-04-2012

NOTARIAL CERTIFICATE
(Individuals)

On this.....day of.....of 2007.....
personally appeared before me, a Notary Public,

.....
to me known, and known to be the person(s)
described in and who executed the foregoing
document, and he(they) duly acknowledged to
me that he(they) executed same for the uses
and purposes therein expressed.

Notary Public

.....
(Corporations)

The undersigned Notary Public certifies: that

The preceeding signature(s) reading

.....
BARBARA M. HOMLARD
is (are) authentic; that the signor(s) at present
fill(s) the

post(s) of

DIRECTOR

.....
of **CHIKUITA BRANDS, INC.**

and that he/she (they) is (are) empowered to
grant this power; and that said company is
domiciled in Cincinnati, Ohio, U.S.A.

and actually exists and is organized in
accordance with the laws of the State of Ohio

All the foregoing facts are known to the Notary
due to his/her having examined the respective
documents to which he/she, the Notary, attests.

Granted and signed
in.....

Barbara L. Kozasuk

Notary Public

(With Apostilla)
Cof. Notario Verificador del Circuito de
Notarios Públicos, que esta copia
consta con original que se ha
presentado para su autenticación.
Bogotá, D.C. Colombia

- 3 ABR. 2008

GONZALO L. DELGADO CASTRO
NOTARIO 26 ENCARGADO

REPUBLICA DE COLOMBIA
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

Folio 43

2020
Bogotá D.C.,

Doctor(a)
CASTILLO GIBSON LUIS FELIPE
Apoderado(a) y/o Representante de
CHIQUITA BRANDS, INC

REFERENCIA	Radicación No.	8 12441
	Solicitud internacional	PCT/US2006/025633
	Fecha inicio fase nacional	08/02/2008
	Trámite	11
	Evento	378
	Actuación	416
	Oficio No.	7364
	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,

23 ENE. 2009

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

jfernand