

42

1

Castillo Grau & Asociados
ABOGADOS

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

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 08-045768- -00002-0000

Fecha: 2008-07-21 14:58:20 Dep. 2020 NUECREACIONES
Tra 11 PATENTE IYII Eve: 378 FASE NACIONAL I
Act. 444 RESPUESTA REQUE Folios: 8

Re.: Expediente No. 08 45.768
Fase Nacional Solicitud de Patente PCT
a nombre de
SYNTHES GmbH
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 del documento donde consta la cesión del derecho a la patente del Inventor:

Alberto Fernandez Dell'Oca

a favor de la sociedad Synthes (U.S.A.), debidamente firmado, autenticado por Notario Público y legalizado por Apostilla.

- 2 Acompaño copia certificada del documento donde consta la cesión del derecho a la patente de la sociedad Synthes (U.S.A.) a favor de la sociedad solicitante Synthes GmbH, debidamente firmado, autenticado por Notario Público y legalizado por Apostilla.

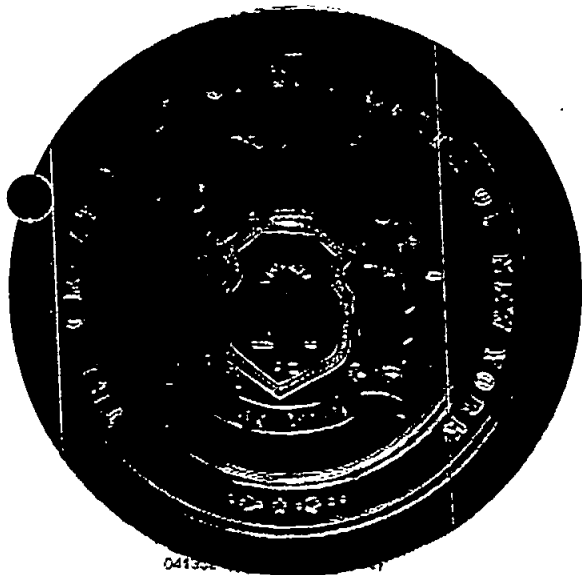
Apostille

(Convention de La Haye du 5 Octobre 1961)

1. Country: **United States of America**
- This public document
2. has been signed by **Nancy T. Sunshine**
3. acting in the capacity of **County Clerk**
4. bears the seal/stamp of the county of **Kings**

Certified

5. At New York, New York 6. the 13th day of March 2008
7. by Special Deputy Secretary of State, State of New York
8. No. NYC-10307496B
9. Seal/Stamp 10. Signature



James Bizzarri

James Bizzarri
Special Deputy Secretary of State

45
X

VERIFICATION

State of New York)

ss:

County of Kings)

I verify that the attached document identified as:

Assignment

is a true copy of the document as executed on October 2, 2006 by **Alberto FERNANDEZ DELL'OCA** to **Synthes (U.S.A.)** of United States and corresponding foreign rights in connection with U.S. Patent Application Serial No. 11/248,525 filed on October 13, 2005.

Tasha Moore-Albert
Tasha Moore-Albert

Subscribed and sworn to before me this 7 day of March of 2008.

[Signature]
Notary Public

State of New York }
County of Kings } ss:

26833

Form 1

I, NANCY T. SUNSHINE, Clerk of the County of Kings, and also Clerk of the Supreme Court for the said County, the same being a Court of Record, having a seal, DO HEREBY CERTIFY, That

whose name is subscribed to the deposition, certificate of acknowledgment or proof of the annexed instrument, was at the time taking the same a NOTARY PUBLIC in and for the State of New York, duly commissioned and sworn and qualified to act as such throughout the State of New York; that pursuant to law a commission, or a certificate of his appointment and qualifications, and his autograph signature, have been filed in my office; that as such Notary Public he was duly authorized by the laws of the State of New York to administer oaths and affirmations, to receive and certify the acknowledgment or proof of deeds, mortgages, powers of attorney and other written instruments for lands, tenements and hereditaments to be read in evidence or recorded in this State; to protest notes and to take and certify affidavits and depositions; and that I am well acquainted with the handwriting of such Notary Public, or have compared the signature on the annexed instrument with his autograph signature deposited in my office, and believe that the signature is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court and County this

day of

Nancy T. Sunshine
Clerk

MAR 12 2008

ASSIGNMENT

WHEREAS, I/WE, Alberto FERNANDEZ DELL'OCA, ASSIGNOR, citizen of Uruguay, residing at 1781 Deauville, Montevideo Uruguay 11500, am the inventor(s) of the invention(s) disclosed, described and/or claimed in DEPTH GAUGE (hereinafter "the Invention") for which I have executed an application for a Patent in the United States which was filed on October 13, 2005, assigned application No. 11/248,525 and which is identified by Jones Day Docket No. 8932-1332-999.

AND WHEREAS, SYNTHES (USA), ASSIGNEE, is a Partnership organized under the laws of the Commonwealth of Pennsylvania and having a place of business at 1302 Wrights Lane East, West Chester, PA 19380, is desirous of obtaining my/our entire right, title and interest in, to and under all the said invention(s) as described, disclosed and/or claimed in the above-identified application:

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, I/we, the said ASSIGNOR(S), have sold, assigned, transferred and set over, and do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, my/our entire right, title and interest in, to and under the said Invention, 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, together with the right to file such applications and the right to claim for the same the priority rights derived from said application under the International Convention for the Protection of Industrial Property, the Patent Laws of the United States 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, inventors' certificates and designs which may be granted for said Invention in any country and all extensions, renewals and reissues thereof; including all applications for industrial property, all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof;

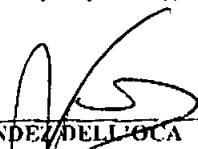
AND I/WE HEREBY authorize and request the Commissioner for Patents and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I/WE HEREBY covenant and agree that I/we have full right to convey the entire interest herein assigned, and that I/we have not executed, and will not execute, any agreement in conflict herewith.

AND I/WE HEREBY further covenant and agree that I/we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me/us respecting said Invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue 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.

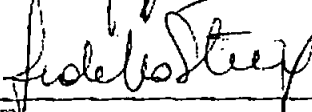
IN TESTIMONY WHEREOF, I/We hereunto set my/our hand(s) and seal(s) the day and year set opposite my/our respective signature(s).

Date: OCTOBER 2, 2006

 L.S.
Alberto FERNANDEZ DELL'OCA

WITNESS:

Date: OCTOBER 2, 2006


Signature
FEDERIKA STIRLING
Printed Name

Apostille

(Convention de La Haye du 5 Octobre 1961)

- 47
8
1. Country: **United States of America**
This public document
 2. has been signed by **Nancy T. Sunshine**
 3. acting in the capacity of **County Clerk**
 4. bears the seal/stamp of the county of **Kings**

Certified

5. At New York, New York
6. the 13th day of March 2008
7. by Special Deputy Secretary of State, State of New York
8. No. NYC-10307495B
9. Seal/Stamp
10. Signature



James Bizzarri

James Bizzarri
Special Deputy Secretary of State

48
K

VERIFICATION

State of New York)

ss:

County of Kings)

I verify that the attached document identified as:

Assignment

is a true copy of the document as executed on April 5, 2007 by **Synthes (U.S.A.) to Synthes GmbH** of rights in all geographic locations except for United States and Canada in connection with U.S. Patent Application Serial No. 11/248,525 filed on October 13, 2005.

Tasha Moore-Albert
Tasha Moore-Albert

Subscribed and sworn to before me this 7 day of March of 2008.

[Signature]
Notary Public

State of New York }
County of Kings } ss:

26834

Form 1

I, NANCY T. SUNSHINE, Clerk of the County of Kings, and also Clerk of the Supreme Court for the said County, the same being a Court of Record, having a seal, DO HEREBY CERTIFY, That

[Signature]
whose name is subscribed to the deposition, certificate of acknowledgment or proof of the annexed instrument, was at the time taking the same a NOTARY PUBLIC in and for the State of New York; duly commissioned and sworn and qualified to act as such throughout the State of New York; that pursuant to law a commission, or a certificate of his appointment and qualifications, and his autograph signature, have been filed in my office; that as such Notary Public he was duly authorized by the laws of the State of New York to administer oaths and affirmations, to receive and certify the acknowledgment or proof of deeds, mortgages, powers of attorney and other written instruments for lands, tenements and hereditaments to be read in evidence or recorded in this State; to protest notes and to take and certify affidavits and depositions; and that I am well acquainted with the handwriting of such Notary Public, or have compared the signature on the annexed instrument with his autograph signature deposited in my office, and believe that the signature is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court and County this _____ day of _____, 2008.

MAR 12 2008

Nancy T. Sunshine

49
#

ASSIGNMENT

WHEREAS, Synthes (U.S.A.), ASSIGNOR, a Partnership organized under the laws of the Commonwealth of Pennsylvania and having a place of business at 1302 Wrights Lane East, West Chester, PA 19380, has all right, title and interest in United States Patent Application No. 11/248,525, which was filed with the United States Patent and Trademark Office on October 13, 2005, entitled DEPTH GAUGE and all inventions described, disclosed or claimed therein (hereinafter "the Invention"), which is identified by Jones Day Attorney Docket No. 8932-1332-999 (CAM No. 232200-999673).

AND WHEREAS, Synthes GmbH, ASSIGNEE, a Swiss Company organized under the laws of Switzerland and having a place of business at Eimattstrasse 3, Oberdorf, Switzerland CH-4436, is desirous of obtaining the entire right, title and interest to and under the Invention, including the right to bring an action and recover damages for past infringements, if any, in all geographic locations except the United States and its possessions and territories, Canada and its possessions and territories, the Bahamas, and Bermuda (hereinafter "the Excluded Geographic Locations").

AND WHEREAS, ASSIGNOR, is desirous of assigning its entire right, title and interest to the Invention in all geographic locations except the Excluded Geographic Locations to the ASSIGNEE, including the right to bring an action and recover damages for past infringement, if any.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the said ASSIGNOR, has sold, assigned, transferred and set over, and does hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, all ASSIGNOR'S rights, title and interest in the Invention in all geographic locations except the Excluded Geographic Locations including the right to bring an action and recover damages for past infringement, if any; and all rights, title and interest in any corresponding patent applications and all divisions, renewals and continuations thereof, and all Patents which may be granted thereon and all reissues and extensions thereof; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said Invention in all geographic locations except the Excluded Geographic Locations, and all extensions, renewals and reissues thereof.

NOW, THEREFORE, ASSIGNEE shall obtain all said rights, title and interest in the Invention in all geographic locations except the Excluded Geographic Locations.

AND ASSIGNOR HEREBY covenants and agrees that it has not executed, and will not execute, any agreement in conflict herewith.

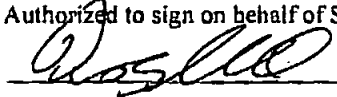
AND ASSIGNOR HEREBY further covenants and agrees that it will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to it respecting said Invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue 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 geographic locations except the Excluded Geographic Locations.

AND ASSIGNOR HEREBY further covenants and agrees that it has read this Assignment, knows and understands its contents, and comprehends and agrees to all of its terms, conditions and meanings and their significance.

IN TESTIMONY WHEREOF, the person executing this Assignment in a representative capacity on behalf of the ASSIGNOR warrants that he is fully authorized and empowered to do so and sets his hand and seal the day and year set with his signature.

ASSIGNOR: Synthes (U.S.A.)

Troy T. Svihl Authorized to sign on behalf of Synthes (U.S.A.)

Signature: 

Position/Title: Patent Counsel

Address: 1302 Wrights Lane East
West Chester, Pennsylvania 19380

Date: 5 April 2007

50
8

Commonwealth of Pennsylvania)
) SS.:
County of Chester)

On April 5, 2007, before me, Carrie A. McPherson Notary Public, personally appeared Troy T. Svihi, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Carrie A. McPherson

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Carrie A. McPherson, Notary Public
West Chester Boro, Chester County
My Commission Expires Jan. 27, 2010
Member, Pennsylvania Association of Notaries

ASSIGNEE: Synthes (U.S.A.)

Troy T. Svihi Authorized to sign on behalf of Synthes (U.S.A.)

Signature: [Signature]

Position/Title: Patent Counsel

Address: 1302 Wrights Lane East
West Chester, Pennsylvania 19380

Date: 5 April 2007

Commonwealth of Pennsylvania)
) SS.:
County of Chester)

On April 5, 2007, before me, Carrie A. McPherson Notary Public, personally appeared Troy T. Svihi, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Carrie A. McPherson

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Carrie A. McPherson, Notary Public
West Chester Boro, Chester County
My Commission Expires Jan. 27, 2010
Member, Pennsylvania Association of Notaries

REPUBLICA DE COLOMBIA
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

Folio 51

2020
Bogotá D.C.,

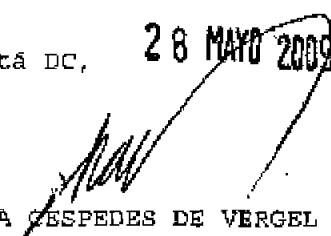
Doctor(a)
CASTILLO GRAU GERMAN
Apoderado(a) y/o Representante de
SYNTHE S GMBH

REFERENCIA	Radicación No.	8 45768
	Solicitud internacional	PCT/US2006/040146
	Fecha inicio fase nacional	13/05/2008
	Trámite	11
	Evento	378
	Actuación	416
	Oficio No.	8230
	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,

28 MAYO 2009


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

adpa11