

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



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Señor

Superintendente Delegado para la propiedad industrial

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

E. _____ S. _____ D. _____

Referencia: Expediente No. 08.007.337

Solicitud de Patente de Invención titulada: "carboxamidas fungicidas"

Solicitante: E.I. Du Pont de Nemours and Company

MEMORIAL DE ALCANCE

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:

El día 25 de enero de 2008, bajo el número de radicación 08.007.337, presenté la solicitud de patente de invención de la referencia, para la cual adjunto Reporte Preliminar Internacional Sobre Patentabilidad capítulo I.

Atentamente,


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

Anexo: Reporte Preliminar Internacional Sobre Patentabilidad capítulo I.

PATENT COOPERATION TREATY

PCT

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

(PCT Rule 44bis)

Applicant's or agent's file reference BA9356PCT	FOR FURTHER ACTION		See item 4 below
International application No. PCT/US2006/029175	International filing date (<i>day/month/year</i>) 26 July 2006 (26.07.2006)	Priority date (<i>day/month/year</i>) 26 July 2005 (26.07.2005)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant E. I. DU PONT DE NEMOURS AND COMPANY			

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 5 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).

Date of issuance of this report 29 January 2008 (29.01.2008)	
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Ellen Moyse
Facsimile No. +41 22 338 82 70	e-mail: pt05.pct@wipo.int

Form PCT/IB/373 (January 2004)

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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

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/US2006/029175

International filing date (day/month/year)
26.07.2006

Priority date (day/month/year)
26.07.2005

International Patent Classification (IPC) or both national classification and IPC
INV. C07D417/04 C07D417/14 C07D413/04 C07D413/14 C07D401/04 C07D401/14 C07D403/04 C07D403/14
C07D403/06 A01N43/72 A01P3/00 C07D401/06 C07D277/56 C07D417/12 C07D263/34 C07D413/12

Applicant
E. I. DU PONT DE NEMOURS AND COMPANY

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 - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
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Date of completion of
this opinion

See form
PCT/ISA/210

Authorized Officer

Bosma, Peter

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2006/029175

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 43bis.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 43bis.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:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2006/029175

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

1. Statement

Novelty (N)	Yes: Claims	<u>1-22</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	<u>1-22</u>
	No: Claims	
Industrial applicability (IA)	Yes: Claims	<u>1-22</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

and /or

2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)

International application No.

PCT/US2006/029175

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Re Item V.

1 Reference is made to the following document:

D1 : WO 02/059086 A (SYNGENTA PARTICIPATIONS AG [CH]) 1 August 2002

2 Document D1, which is considered to represent the most relevant state of the art, discloses heterocyclic carboxamides useful as fungicides.

From this, the subject-matter of the present claims 1-22 differs structurally in at least the meanings of -Q and the moiety -C=W¹-A-R¹.

The present compounds are also useful as fungicides.

The subject-matter of claims 1-22 is therefore novel (Article 33(2) PCT)

3 The problem to be solved by the present invention may be regarded as the provision of further compounds useful as fungicides.

The solution to this problem proposed by the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

The present compounds are structurally remote from the closest prior art document D1. An inventive step must therefore be acknowledged, because the skilled man would not arrive at the presently claimed compounds, useful as fungicides, starting from the teachings of D1 or any other of the available prior art documents.

4 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.