

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

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 08-076127- -00002-0000

Fecha: 2008-10-17 12:24:04 Dep: 2026 NUECREACION
Tra: 11 PATENTILYII Lve: 378 FASE NACIONAL
Act: 44 RLSPULSTARQUE Folios: 10

**Re.: Expediente No. 08 76.12
Fase nacional de 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:

— Dominique Messerli

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.

Le solicito se sirva agregar este escrito y sus anexos al expediente y continuar con el trámite de la solicitud.

De Usted Atentamente,

GERMAN CASTILLO GRAU
T.P. No. 2.978 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 **Norman Goodman**

3. acting in the capacity of **County Clerk**

4. bears the seal/stamp of the county of **New York**

Certified

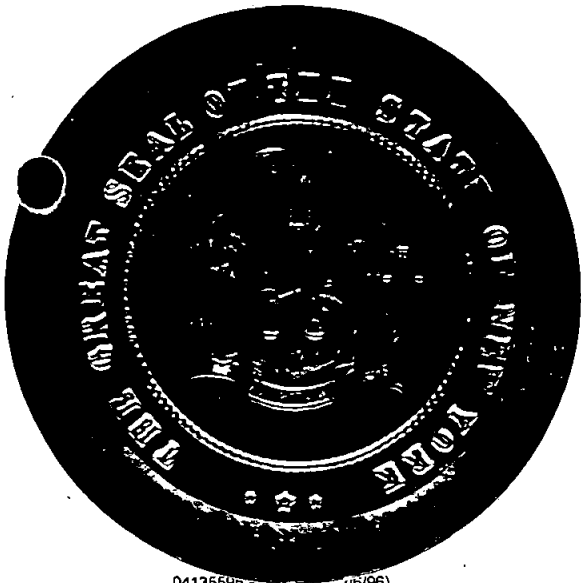
5. At New York, New York 6. the 09th day of October 2008

7. by Special Deputy Secretary of State, State of New York

8. No. NYC-10342599B

9. Seal/Stamp

10. Signature



James Bizzarri

James Bizzarri

Special Deputy Secretary of State

108

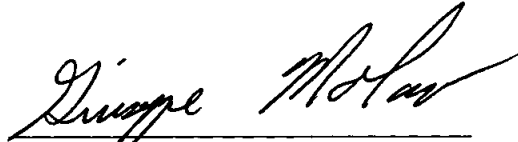
VERIFICATION

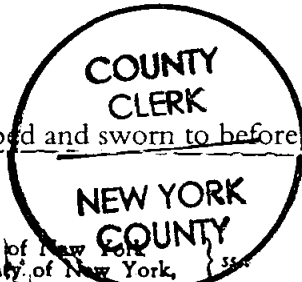
STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I verify that the attached document identified as:

Assignment

which covers corresponding foreign rights, is a true copy of the document executed on February 7, 2007 by **Dominique Messerli** to **Synthes (U.S.A.)**, a company located in the United States, in connection with U.S. Serial No. 11/633,131, filed on December 1, 2006, Provisional Application No. 60/753,782, filed on December 23, 2005 and Provisional Application No. 60/810,453, filed on June 2, 2006.


Giuseppe Molaro



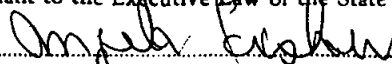
Subscribed and sworn to before me this 11th day of September 2008.

State of New York
County of New York, ss.

662772

Form 1

I, NORMAN GOODMAN, County Clerk and Clerk of the Supreme Court of the State of New York, in and for the County of New York, a Court of Record, having by law a seal, DO HEREBY CERTIFY pursuant to the Executive Law of the State of New York, that



whose name is subscribed to the annexed affidavit, deposition, certificate of acknowledgment or proof, was at the time of taking the same a NOTARY PUBLIC in and for the State of New York duly commissioned, sworn and qualified to act as such; that pursuant to law, a commission or a certificate of his official character, with his autograph signature has been filed in my office; that at the time of taking such proof, acknowledgment or oath, he was duly authorized to take the same; 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 I believe that such signature is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand affixed my official seal this

SEP 16 2008

FEE PAID \$3.00



County Clerk and Clerk of the Supreme Court, New York County

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ASSIGNMENT

WHEREAS, I, **Dominique MESSERLI**, residing at 200 La Vida Via, Downingtown, Pennsylvania 19335, ASSIGNOR, a citizen of Switzerland, am the inventor of the invention disclosed, described and/or claimed in **FLEXIBLE ELONGATED CHAIN IMPLANT AND METHOD OF SUPPORTING BODY TISSUE WITH SAME** (hereinafter "the Invention") for which I have executed an application for a Patent in the United States which was filed on **December 1, 2006** and was assigned application No. **11/633,131**, which is identified by Jones Day Docket No. **8932-1269-999 (CAM: 232232-999668)** and which claims priority to Provisional Application Nos. **60/753,782**, filed December 23, 2005 and **60/810,453**, filed June 2, 2006;

AND WHEREAS, **SYNTHEX (U.S.A.)**, ASSIGNEE, 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 entire right, title and interest in, to and under all the said invention(s) as described, disclosed and/or claimed in the Invention:

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, I, the said ASSIGNOR, 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 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;

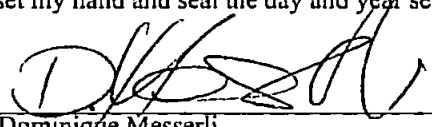
AND I HEREBY authorize and request the Commissioner for Patents and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE,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

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

AND I HEREBY further covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me 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 hereunto set my hand and seal the day and year set opposite my signature.

Date: 2/7/07


Dominique Messerli

L.S.

State of PA

County of Chester

} SS.:

On 2/7/07, before me Eileen Kerper Notary Public, personally appeared Dominique Messerli 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 on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal
COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Eileen A. Kerper, Notary Public
Tredyffrin Twp., Chester County
My Commission Expires Dec. 13, 2008

Member, Pennsylvania Association Of Notaries

Apostille

(Convention de La Haye du 5 Octobre 1961)

1. Country: **United States of America**
- This public document
2. has been signed by **Norman Goodman**
3. acting in the capacity of **County Clerk**
4. bears the seal/stamp of the county of **New York**

Certified

5. At New York, New York 6. the 09th day of October 2008
7. by Special Deputy Secretary of State, State of New York
8. No. NYC-10342600B
9. Seal/Stamp 10. Signature



James Bizzarri

James Bizzarri
Special Deputy Secretary of State

COUNTY

State of New York
County of New York, } ss.:

662771

Form 1

I, NORMAN GOODMAN, County Clerk and Clerk of the Supreme Court of the State of New York, in and for the County of New York, a Court of Record, having by law a seal,

DO HEREBY CERTIFY pursuant to the Executive Law of the State of New York, that

Angela Elisha

whose name is subscribed to the annexed affidavit, deposition, certificate of acknowledgment or proof, was at the time of taking the same a NOTARY PUBLIC in and for the State of New York duly commissioned, sworn and qualified to act as such; that pursuant to law, a commission or a certificate of his official character, with his autograph signature has been filed in my office; that at the time of taking such proof, acknowledgment or oath, he was duly authorized to take the same; 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 I believe that such signature is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand affixed my official seal this

FEE PAID \$3.00

SEP 16 2008

Norman Goodman
County Clerk and Clerk of the Supreme Court, New York County

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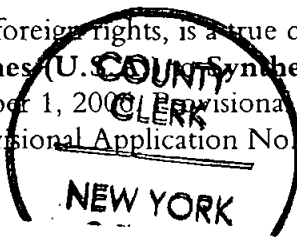
VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I verify that the attached document identified as:

Assignment

which covers corresponding foreign rights, is a true copy of the document executed on February 7, 2007 from **Synthes (U.S. County Synthes GmbH)** in connection with U.S. Serial No. 11/633,131, filed on December 1, 2006, Provisional Application No. 60/753,782, filed on December 23, 2005 and Provisional Application No. 60/810,453, filed on June 2, 2006.



Giuseppe Molaro
Giuseppe Molaro

Subscribed and sworn to before me this 11th day of September 2008.

Angela Fisher
Notary Public

ANGELA FISHER
Notary Public, State of New York
No. 31-4939107
Qualified in New York County
Commission Expires July 25, 2010

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JK

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. 11/633,131, which was filed with the United States Patent and Trademark Office on **December 1, 2006**, entitled **FLEXIBLE ELONGATED CHAIN IMPLANT AND METHOD OF SUPPORTING BODY TISSUE WITH SAME** and all inventions described, disclosed or claimed therein (hereinafter "the Invention"), which is identified by Jones Day Attorney Docket No. 8932-1269-999 (CAM No. 232232-999668), and which claims priority to Provisional Application Nos. 60/753,782, filed December 23, 2005 and 60/810,453, filed June 2, 2006;

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:

[Handwritten Signature]

Position/Title:

Patent Counsel

Address:

1302 Wrights Lane East

West Chester, Pennsylvania 19380

Date:

7 Feb 2007

Commonwealth of Pennsylvania)

) SS:

County of Chester)

On February 7, 2007, before me, Carrie A. McPherson Notary Public, personally appeared Troy T. Svihl, 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 GmbH

Troy T. Svihl

Authorized to sign on behalf of Synthes GmbH

Signature:

[Signature]

Position/Title:

Patent Counsel

Address:

1302 Wrights Lane East

West Chester, Pennsylvania 19380

Date:

7 Feb 2007

Commonwealth of Pennsylvania)

) SS:

County of Chester)

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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 115

2020
Bogotá D.C.,

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

REFERENCIA	Radicación No.	8 76127
	Solicitud internacional	PCT/US2006/049105
	Fecha inicio fase nacional	23/07/2008
	Trámite	11
	Evento	378
	Actuación	416
	Oficio No.	8692
	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 AGO 2009

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

adpall