

CASTELLANOS & CO.
ABOGADOS
Calle 94 A No. 7 A - 09
Bogotá, D.C., COLOMBIA

235

Señora

Jefe de la División de Nuevas Creaciones

Superintendencia de Industria y Comercio

Ministerio de Comercio, Desarrollo Industria y Turismo

E. S. D.



Ref.: Expediente No. **08.125.763**

Solicitud de Patente PCT entrada fase nacional para: **PLANTA Y SEMILLA DE MAIZ CORRESPONDIENTES AL EVENTO TRANSGENICO MON89034, Y METODOS PARA SU DETECCION Y USO**

Solicitante: **MONSANTO TECHNOLOGY, LLC**

MEMORIAL DE RESPUESTA A FORMA

MARGARITA CASTELLANOS ABONDANO, mayor de edad, identificada y domiciliada como aparece al pie de mi firma, en atención a su oficio No. 0588 notificado por fijación en lista del 23 de enero de 2009 atentamente me permito dar respuesta al mismo de la siguiente manera:

Establece el funcionario examinador que:

- ♦ ***"...el solicitante debe adjuntar la traducción de los anexos del reporte de examen preliminar internacional..."***

Adjunto copia del Reporte Preliminar Internacional sobre Patentabilidad Capítulo II y aclaro a ese Despacho que el mismo no contiene anexos.

- ♦ ***"La solicitud no contiene la copia del documento de cesión del inventor al solicitante".***

Presento copia autentica del documento de cesión junto con su respectiva traducción oficial.

Cumplido así con lo dispuesto, atentamente solicito a Ud. se continúe con el trámite correspondiente a esta solicitud de Patente de Invención.

De la Señora Jefe,


Margarita Castellanos Abondano

C.C. No. 39.779.654 de Usaquén

T.P.A. No. 70819 del C. Sup. de la Judicatura

Calle 94 A No. 7 A - 09

Teléfonos: 610 74 20

Bogotá, D.C.,

26 FEB. 2009

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 3821(53618)A	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/US2007/069662	International filing date(day/month/year) 24 MAY 2007 (24.05.2007)	Priority date (day/month/year) 26 MAY 2006 (26.05.2006)	
International Patent Classification (IPC) or national classification and IPC C12N 15/29(2006.01)i, C12N 15/09(2006.01)i			
Applicant MONSANTO TECHNOLOGY, LLC et al			

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
 - ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____ containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box relating to Sequence Listing (see Section 802 of the Administrative Instructions).

- 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

Date of submission of the demand 24 MARCH 2008 (24.03.2008)	Date of completion of this report 27 MAY 2008 (27.05.2008)
Name and mailing address of the IPEA/KR  Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo- gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer KIM Kee-Yeun Telephone No. 82-42-481-8387 

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US2007/069662

Box No. 1 Basis of the report

1. With regard to the language, this report is based on:

- ☒ 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 (under Rules 12.3(a) and 23.1(b)).
 - ☐ publication of the international application (under Rule 12.4(a)).
 - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a)).

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☒ the international application as originally filed/furnished
- ☐ the description:
pages _____ as originally filed/furnished
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____
- ☐ the claims:
pages _____ as originally filed/furnished
pages* _____ as amended (together with any statement) under Article 19
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____
- ☐ the drawings:
pages _____ as originally filed/furnished
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____
- ☐ the sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

5. ☐ This report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 70.2(e)).

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US2007/069662

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 65 and 66

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 65 and 66
are so unclear that no meaningful opinion could be formed (*specify*):

- Detecting in claim 65 is not clear and concise
- Growing corn cells in claim 66 is not clear and concise

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed (*specify*):

☒ no international search report has been established for said claims Nos. 65 and 66

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rule 13ter.1(a) or (b) and 13ter.2.

☐ a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US2007/069662

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-64	YES
	Claims	none	NO
Inventive step (IS)	Claims	1-64	YES
	Claims	none	NO
Industrial applicability (IA)	Claims	1-64	YES
	Claims	none	NO

2. Citations and explanations (Rule 70.7)

The following document has been considered for the purpose of this written opinion:

D1 : Marta Hernandez. et al. 'A specific real-time quantitative PCR detection system for event MON810 in maize yieldgard based on the 3'-transgenic integration sequence.', Transgenic Res., Vol.12(2) : 179-189 (Apr. 2003)

The present invention provides a transgenic corn event MON89034, and cells, seeds, and plants comprising DNA diagnostic for the corn event.

1. Novelty and Inventive Step

Claims 1-6, 19-24, 28-31, 33-36, 49 and 53-55 relate to a transgenic corn cell or plant designated as transgenic corn event MON89034, which is characterized with SEQ ID NO: 1 - 5.

The closest prior art, D1 discloses a specific real-time quantitative PCR detection system for event MON810 in maize.

But the sequence incorporated in transgenic corn for event MON89034 in present invention is different from the sequence incorporated in transgenic maize for event MON810 in D1.

Therefore, claims 1-6, 19-24, 28-31, 33-36, 49 and 53-55 are considered to be novel [PCT Article 33(2)] and inventive [PCT Article 33(3)] over D1.

Claims 7 and 8 relate to an amplicon diagnostic for the presence of transgenic corn event MON89034 DNA in a biological sample.

Since a transgenic corn cell or plant designated as transgenic corn event MON89034 in claims 1-6, 19-24, 28-31, 33-36, 49 and 53-55 is novel and inventive, claims 7 and 8 which is a amplicon diagnostic for the presence of transgenic corn event MON89034 DNA are also considered to be novel [PCT Article 33(2)] and inventive [PCT Article 33(3)] over D1.

Claims 9-13, 18, 38, 45-47, 56-57 and 60-62 relate to a polynucleotide molecule comprising nucleotides selected from the group of SEQ ID NO : 1 - 5 or a polynucleotide probe for detecting the presence of corn event MON89034 DNA.

Since polynucleotide molecule having the sequence of SEQ ID NO : 1 - 5 is novel and inventive, claims 9-13, 18, 38, 45-47, 56-57 and 60-62 are also considered to be novel [PCT Article 33(2)] and inventive [PCT Article 33(3)] over D1. Claims 14, 39 and 41-44 relate to a kit for detecting the presence of transgenic corn event MON89034 DNA in biological sample.

Continued on Supplemental Box

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US2007/069662

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of:

Box V

Claims 14, 39 and 41-44 relate to a kit for detecting the presence of transgenic corn event MON89034 DNA in biological sample.

Since a transgenic corn cell or plant designated as transgenic corn event MON89034 in claims 1-6, 19-24, 28-31, 33-36, 49 and 53-55 is novel and inventive, claims 14, 39 and 41-44 which a kit for detecting the presence of transgenic corn event MON89034 DNA are also considered to be novel [PCT Article 33(2)] and inventive [PCT Article 33(3)] over D1.

Claims 15-17, 37, 40, 48, 50-52 and 58 relate to a method for detecting the presence of transgenic corn event MON89034 DNA in biological sample.

Since a transgenic corn cell or plant designated as transgenic corn event MON89034 in claims 1-6, 19-24, 28-31, 33-36, 49 and 53-55 is novel and inventive, claims 15-17, 37, 40, 48, 50-52 and 58 which a method for detecting the presence of transgenic corn event MON89034 DNA are also considered to be novel [PCT Article 33(2)] and inventive [PCT Article 33(3)] over D1.

Claims 25 and 26 relate to a method for protecting a corn plant from lepidopteran insect infestation comprising providing in the diet of a target lepidopteran insect pest one or more transgenic corn plant cell, each corn plant cell comprising in its genome a polynucleotide corresponding to the sequence of SEQ ID NO:1, SEQ ID NO:2 and SEQ ID NO:5.

Since a transgenic corn plant comprising the sequence of SEQ ID NO:1, SEQ ID NO:2 and SEQ ID NO:5 is novel and inventive, claims 25 and 26 which a method for protecting a corn plant from lepidopteran insect infestation by the transgenic corn plant are also considered to be novel [PCT Article 33(2)] and inventive [PCT Article 33(3)] over D1.

Claim 32 relates to a method for producing an insect resistant corn plant comprising regenerating a corn plant from the cell or progeny cell of claim 30.

Since a transgenic corn cell or plant designated as transgenic corn event MON89034 in claim 30 is novel and inventive, claims 32 which is dependent claim of claim 30 are also considered to be novel [PCT Article 33(2)] and inventive [PCT Article 33(3)] over D1.

Claims 27, 59, 63 and 64 relate to a composition, commodity or foodstuff comprising nucleotides selected from the group of SEQ ID NO : 1 - 5.

Since polynucleotide molecule having the sequence of SEQ ID NO : 1 - 5 is novel and inventive, claims 27, 59, 63 and 64 are also considered to be novel [PCT Article 33(2)] and inventive [PCT Article 33(3)] over D1.

2. Industrial Applicability

The subject matter of claims 1-64 is considered to be industrially applicable [PCT Article 33(4)].



APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: United States of America

This public document

2. has been signed by W. Montgomery

3. acting in the capacity of Certifying Officer

4. bears the seal/stamp of U. S. Patent and Trademark Office

Certified

5. at Washington, D.C.

6. the thirteenth of January, 2009

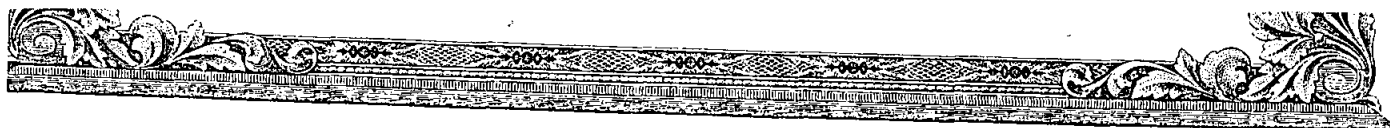
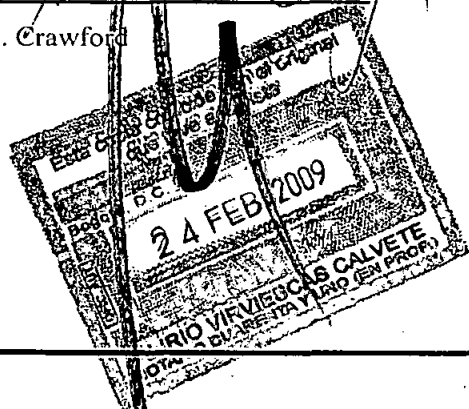
7. by Assistant Authentication Officer, United States Department of State

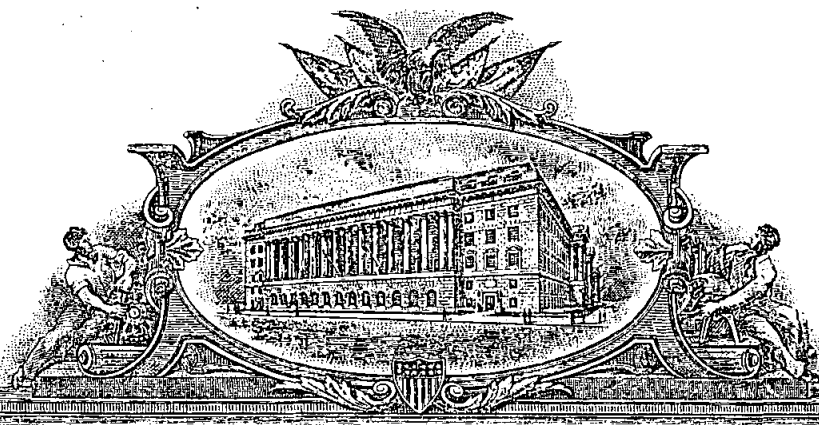
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9. Seal/Stamp:

10. Signature:

Fernesia T. Crawford





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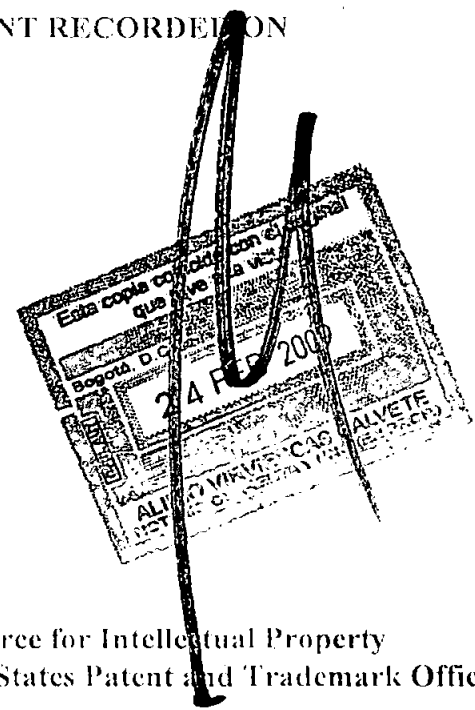
THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME;

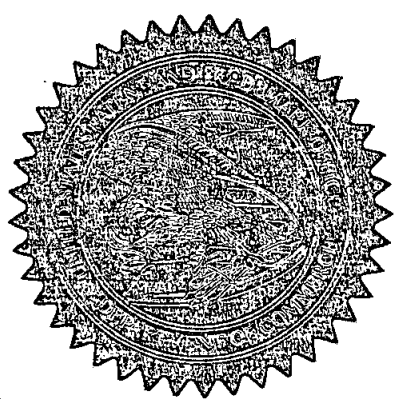
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

December 24, 2008

THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE
RECORDS OF THIS OFFICE OF A DOCUMENT RECORDED ON
AUGUST 9, 2006.



By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



W. Montgomery
W. MONTGOMERY
Certifying Officer

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06 14:36 From-MONSANTO
-0011 (exp. 4/84)

T-069 P-002 F-829

PATENTS ONLY

Patent and Trademark Office

Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

of conveying party(ies):

See Attached

2. Name and address of receiving party(ies):

Name: Monsanto Technology LLC

Internal Address: 800 North Lindbergh

St. Louis, Missouri 63167

Street Address: 800 North Lindbergh

City: St. Louis State: MO ZIP: 63167

at name(s) of conveying party(ies) attached? ☒ Yes ☐ No

ure of conveyance:

Assignment ☐ Merger

Security Agreement ☐ Change of Name

Other _____

ution Date: See Attached

Additional name(s) & address(es) attached? ☐ Yes ☒ No

application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

60/808,834

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

Name and address of party to whom correspondence concerning document should be mailed:

Name: Gail Wuellner, Timothy K. Ball

Internal Address: Monsanto Company

800 North Lindbergh, Mail Zone E2NA

St. Louis, Missouri 63167

Street Address: 800 North Lindbergh

Mail Zone E2NA

City: St. Louis State: MO ZIP: 63167

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41) \$ 40.00

☐ Enclosed

☒ Authorized to be charged to deposit account

8. Deposit account number:

13-4125

(Attach duplicate copy of this page if paying by deposit account)

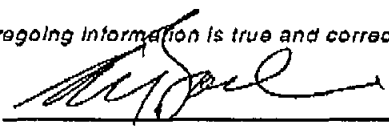
DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Timothy K. Ball

Name of Person Signing



Signature

Aug 9, 2006

Date

Total number of pages including cover sheet, attachments, and document: 10

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

(Form PTO-1595-Recordation Form Cover Sheet - page 1 of 3)

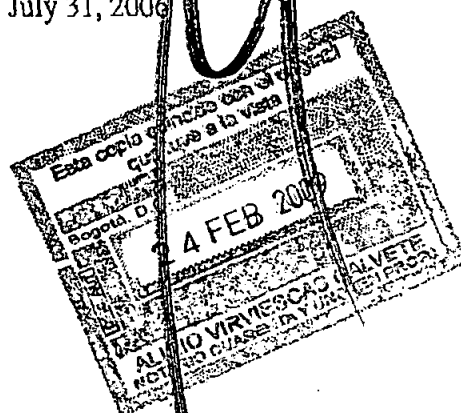
700280689

PATENT
REEL: 018086 FRAME: 0064

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Recordation Form Cover Sheet (Continued)

<u>Name of Conveying Parties</u>	<u>Execution Date</u>
Heather M. Anderson	July 31, 2006
Jennifer R. Douglas f/k/a Jennifer R. Allen	August 1, 2006
Jeanna R. Groat	August 7, 2006
Scott C. Johnson	July 31, 2006
Rebecca A. Kelly	August 2, 2006
John Korte	August 2, 2006
James F. Rice	July 31, 2006



PATENT
REEL: 018086 FRAME: 0065

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Attorney Docket No. 38-21(53618)

ASSIGNMENT

WHEREAS, WE, the undersigned, have made, and have an obligation to assign to Monsanto Technology LLC, certain invention or inventions which are disclosed in patent application(s) and/or provisional patent application(s) entitled:

Corn Plant and Seed Corresponding to Transgenic Event MON89034 and Methods for Detection Thereof

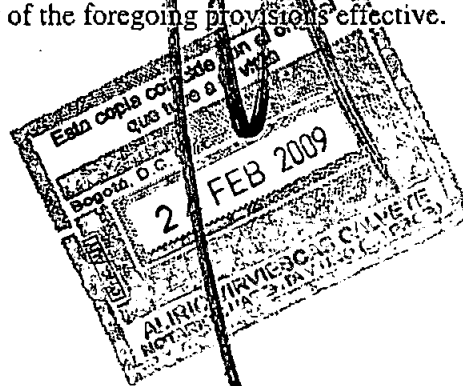
identified as U.S. Provisional Serial No. 60/808,834 and filed on May 26, 2006; and

WHEREAS, Monsanto Technology LLC, of St. Louis, Missouri, a Corporation of the State of Delaware, is desirous of acquiring the entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor;

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, WE do hereby sell, assign and transfer to said Monsanto Technology LLC, its successors and assigns, the entire right, title and interest in and to said invention or inventions, in any form or embodiment thereof, and in and to said application(s); and in and to any and all applications filed in any country based thereon, including the right to file applications in countries other than the country of priority filing under the provisions of any international convention; also in and to any and all improvements on said invention or inventions now or hereafter made by me/us as employee(s), agent(s) or contractor(s) of said Monsanto Technology LLC; also the entire right, title and interest in and to any and all patents, including reissues and extensions thereof, to be obtained in any country upon said invention, inventions or improvements, and any and all continuing applications, including divisional, continuation and continuation-in-part applications, substitute applications, and applications claiming benefit of an earlier filed provisional application, which may be filed upon said invention, inventions or improvements in any country; and

WE hereby authorize and request the issuing authority to issue any and all patents on said application or applications to said Monsanto Technology LLC, as assignee of the entire interest.

WE further agree, without any payment by Monsanto Technology LLC other than in reimbursement of reasonable expenses we may incur, to communicate to said Monsanto Technology LLC, its representatives, agents or assignees of the entire right, title and interest hereto, any facts relating to said invention, inventions or improvements, including evidence for purposes of interference, opposition or other legal proceedings, whenever requested; testify in any interference, opposition or other legal proceedings, whenever requested; and execute and deliver, on request, all lawful papers required to make any of the foregoing provisions effective.



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Attorney Docket No. 38-21(53618)

IN TESTIMONY WHEREOF, WE have hereto set our hands on the dates set after our signatures.

Signature: *Heather M. Anderson* Date: 7-31-06

Name: Heather M. Anderson

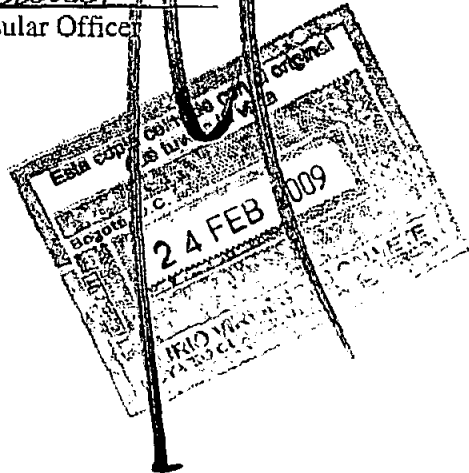
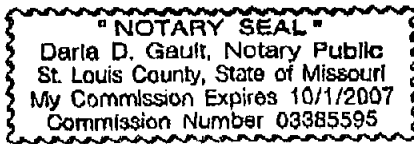
City and state or country of residence: Wildwood, Missouri

State of MO }
County of St. Louis } ss.

On this 31st day of July, 2006, before me personally appeared Heather M. Anderson, to me known to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal) *Darla D. Gault*
Notary Public or Consular Officer

My Commission expires 10-01-07



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Attorney Docket No. 38-21(53618)

Signature: *J. Douglas* Date: 08-01-06
Name: Jennifer R. Douglas (f/k/a Jennifer R. Allen)
City and state or country of residence: New London, Connecticut

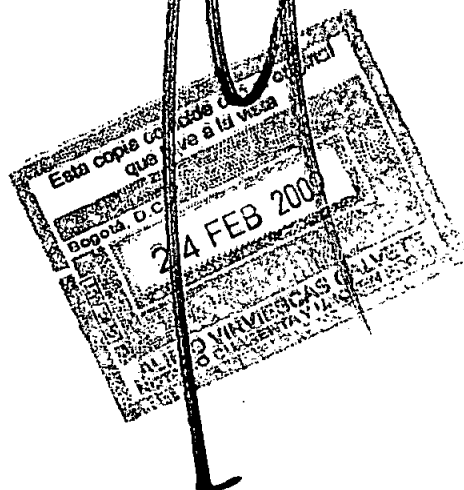
State of Rhode Island }
County of Kent } ss.

On this 1 day of August, 2006, before me personally appeared Jennifer R. Douglas (f/k/a Jennifer R. Allen), to me known to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

Lynne M. Paine
Notary Public or Consular Officer

My Commission expires LYNNE M. PAINE
NOTARY PUBLIC
STATE OF RHODE ISLAND
COMMISSION EXPIRES SEPT. 07, 2007



Attorney Docket No. 38-21(53618)Signature: Jeanna R Groat Date: 8/7/06Name: Jeanna R. GroatCity and state or country of residence: St. Peters, MissouriState of Missouri } ss.
County of St. Louis

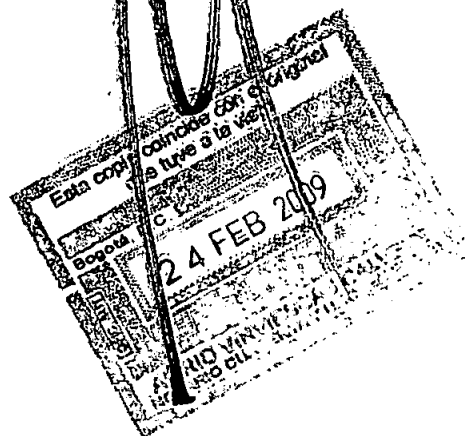
On this 7th day of August, 2006, before me personally appeared Jeanna R. Groat, to me known to be the person who executed the foregoing instrument and acknowledged that ~~he~~ she executed the same as ~~his~~ her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

Michelle Ludwig
Notary Public or Consular Officer

My Commission expires 7/13/2009

MICHELLE LUDWIG
My Commission Expires
July 13, 2009
St. Louis County
Commission #05560747

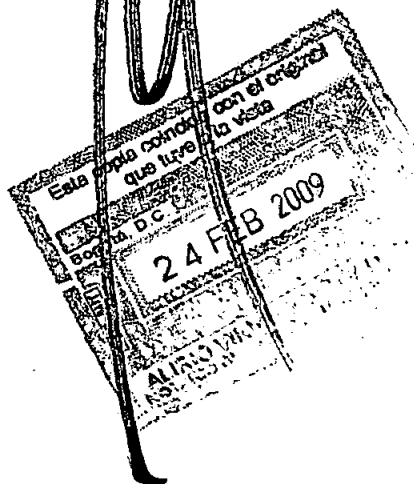
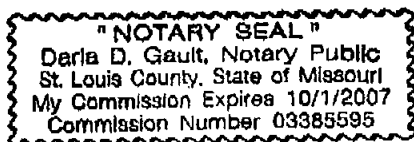


Attorney Docket No. 38-21(53618)Signature: *Scott C. Johnson*Date: 7-31-06Name: Scott C. JohnsonCity and state or country of residence: Wildwood, MissouriState of MOCounty of St. Louis

} ss.

On this 31st day of July, 2006, before me personally appeared Scott C. Johnson, to me known to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

Darla D. Gault
Notary Public or Consular OfficerMy Commission expires 10/01/07

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Attorney Docket No. 38-21(53618)

Signature: _____ Date: 8/2/2006

Name: Rebecca A. Kelly

City and state or country of residence: South Kingstown, Rhode Island

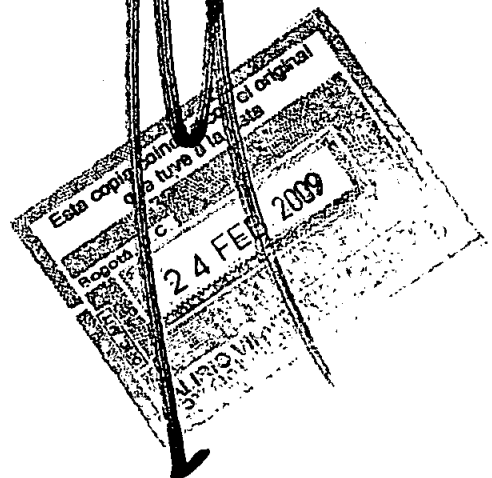
State of Connecticut }
County of New London } ss.

On this 2nd day of August, 2006, before me personally appeared Rebecca A. Kelly, to me known to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

Kathleen Bang
Notary Public or Consular Officer

My Commission expires 1-31-2010



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06 14:38

From-WONSANTO

+

T-063 P.010/011 F-829

Attorney Docket No. 38-21(53618)

Signature: [Signature]

Date: 2 Aug 06

Name: John Korte

City and state or country of residence: Westerly, Rhode Island

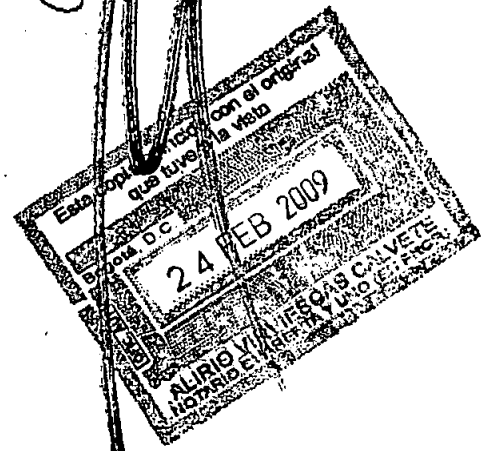
State of Connecticut }
County of New London } ss.

On this 2nd day of August, 2006, before me personally appeared John Korte, to me known to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

(seal)

[Signature]
Notary Public or Consular Officer

My Commission expires 1-31-2010



29

06 14:39

From-WONSANTO

+

T-063 P.011/011 F-829

Attorney Docket No. 38-21(53618)

Signature: *James F. Rice*

Date: 7/31/06

Name: James F. Rice

City and state or country of residence: St. Charles, Missouri

State of Missouri }
County of St. Louis } ss.

On this 31st day of July, 2006, before me personally appeared James F. Rice, to me known to be the person who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last above written.

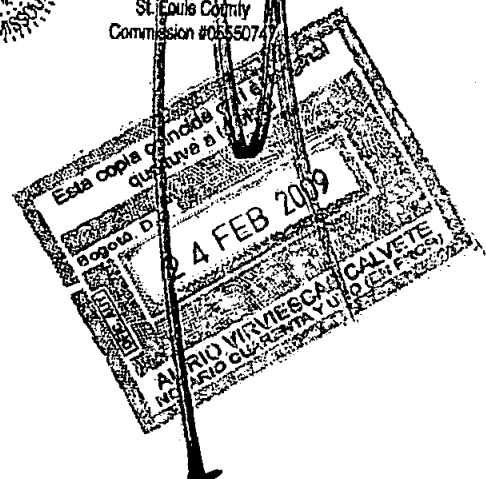
(seal)

Michelle Ludwig
Notary Public or ~~Consular Officer~~

My Commission expires 7/13/2009



MICHELLE LUDWIG
My Commission Expires
July 13, 2009
St. Louis County
Commission #0655074



1507
253

TRADUCCIÓN

ESTADOS UNIDOS DE AMÉRICA

DEPARTAMENTO DE COMERCIO DE LOS ESTADOS UNIDOS, Oficina de
Patentes y Marcas de los Estados Unidos.

24 de diciembre de 2008

CERTIFICO QUE EL DOCUMENTO ADJUNTO ES COPIA FIEL DE LOS
ARCHIVOS EN ESTA OFICINA DE UN DOCUMENTO REGISTRADO EL DIA
9 de agosto de 2006.

En nombre del COMISARIO DE PATENTES Y MARCAS - (Firmado) W.
MONTGOMERY - Funcionario certificante

(La presente certificación se encuentra unida en forma
inviolable a sus adjuntos y sobre una oblea dorada lleva un
sello en relieve que dice:) OFICINA DE PATENTES Y MARCAS DE
LOS ESTADOS UNIDOS DE AMÉRICA - DEPARTAMENTO DE COMERCIO.

[Adjuntos]:

09 de agosto de 2006, 14:36 hs - De: MONSANTO - T-063 P.002
F.829

OMB No.0651-0011 ?venc.4/94?

Oficina de Patentes y Marcas

SÓLO PATENTES

Al Sr. Comisario de Patentes y Marcas: se ruega registrar
los documentos adjuntos

1. Nombre de los cedentes:

Ver adjunto

Hay nombres adicionales



254

2. Nombre del cesionario:

Monsanto Technology LLC

Dirección interna: 800 North Lindbergh, St.Louis, Missouri
63167

Calle: 800 North Lindbergh

Ciudad: St. Louis, Estado: MO, Código ZIP: 63167

No hay una lista adicional de cesionarios.

3. Naturaleza del traspaso: **CESIÓN**

Fechas: Ver adjunto

4. Número de solicitud o de patente:

A. Solicitud de Patente N°: **60/808.834**

5. Enviar correspondencia a:

Nombre: Gail Wuellner, Timothy K. Ball

Dirección interna: Monsanto Company, 800 North Lindbergh,
MailZone E2NA, St. Louis, Missouri 63167

Calle: 800 North Lindbergh, Mail Zone E2NA, Ciudad: St.
Louis - Estado: MO - Código ZIP: 63167

6. Cantidad total de solicitudes y patentes afectadas: 1

7. Monto total de aranceles: \$40,00

Se autoriza el pago con cargo a la cuenta de depósito

8. Cargar en cuenta No. 134125

9. Declaración y firma: A mi leal saber y entender, la
información precedente es fiel y exacta y el documento
adjunto es copia fiel de su original.

Nombre del firmante Timothy K. Ball [Firmado ilegible]



Fecha: 9 de agosto de 2006

Total de páginas incluida la carátula: 10

[Adjunto]:

9 de agosto de 2006, 14:36 - De: MONSANTO, T-063 P.003/011
F-829

Adjunto para la carátula del formulario para registro.

Nombre de los Cedentes	Fecha de firma
Heather M. Anderson	31 de julio de 2006
Jennifer R. Douglas f/k/a Jennifer R. Allen	1 de agosto de 2006
Jeanna R. Groat	7 de agosto de 2006
Scout C. Johnson	31 de julio de 2006
Rebecca A. Kelly	2 de agosto de 2006
John Korte	2 de agosto de 2006
James F. Rice	31 de julio de 2006

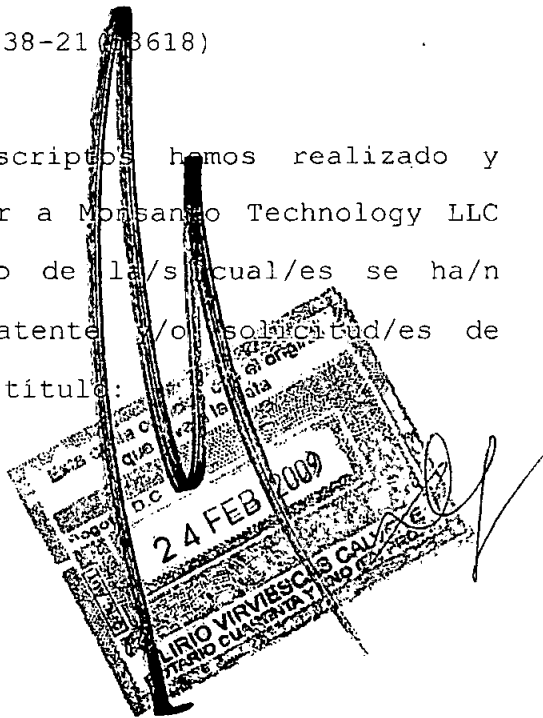
[Página siguiente]

9 de agosto de 2006, 14:37 - De: MONSANTO, T-063 P.004/011
F-829

Nro. de expediente del agente: 38-21 (3618)

CESIÓN

POR CUANTO nosotros, los suscriptos hemos realizado y tenemos la obligación de ceder a Monsanto Technology LLC cierta/s invención/es respecto de la/s cual/es se ha/n presentado solicitud/es de patente y/o solicitud/es de patente provisional/es bajo el título:



PLANTA Y SEMILLA DE MAÍZ CORRESPONDIENTES AL EVENTO
TRANSGÉNICO MON89034, Y MÉTODOS PARA SU DETECCIÓN

Identificada con Nro. de Solicitud Provisional de los Estados Unidos 60/808.834 y presentada el 26 de mayo de 2006 y;

POR CUANTO, **Monsanto Technology LLC** de St. Louis, Missouri, una sociedad anónima de Delaware desea adquirir todos los derechos sobre dicha invención o invenciones, y sobre todas las patentes de invención que se obtengan al respecto;

AHORA, POR LO TANTO, por una contraprestación válida y onerosa de cuya entrega se acusa recibo por la presente, vendemos, cedemos y transferimos a Monsanto Technology LLC, sus sucesores y cesionarios, todos los derechos sobre dicha o dicha invención en cualquier forma o realización de la misma y sobre dicha/s solicitud/es y sobre todas y cada una de las solicitudes que se presenten en cualquier país en base a las mismas, incluyendo el derecho de presentar solicitudes en países fuera del país de la solicitud prioritaria, en virtud de cualquier convenio internacional; además sobre todas y cada una de las mejoras, presentes o futuras, de dicha o dichas invenciones, y efectuadas por mí/nosotros en carácter de empleado/s agente/s o contratista/s de dicha Monsanto Technology LLC; también todos los derechos e intereses sobre todas y cada una de dichas patentes, incluidas las reválidas y prerrogativas de las



mismas, que se obtengan en cualquier país respecto de dicha o dichas invenciones o mejoras, y todas y cada una de las solicitudes adicionales, incluidas las solicitudes divisionales, adicionales, y continuaciones parciales, solicitudes de sustitución y solicitudes que reivindiquen el beneficio de una solicitud provisional presentada anteriormente, que sean presentadas respecto de dicha invención, invenciones o mejoras en cualquier país; y

Por la presente autorizamos y solicitamos a la autoridad pertinente que emita todas y cada una de las patentes relativas a dicha invención o patentes resultantes de dicha/s solicitud/es, a nombre de Monsanto Technology LLC, en su carácter de cesionaria de todos los derechos.

Acordamos además que, sin que medie pago alguno por parte de Monsanto Technology LLC aparte del reembolso de los gastos razonables en los que incurramos, comunicaremos a Monsanto Technology LLC, o a sus representantes legales o sus cesionarios sobre cualesquier hechos respecto de dicha invención, invenciones o mejoras, incluyendo evidencias para casos de interferencia, oposición o cualquier otro procedimiento legal siempre que se nos lo solicite; prestaremos testimonio en casos de interferencia, oposición o en otros procedimientos legales, siempre que se nos lo solicite y, firmaremos y entregaremos a pedido de la cesionaria, todos aquellos documentos escritos necesarios



para hacer efectivas las cláusulas precedentes.

EN TESTIMONIO DE LO CUAL, firmamos al pie en las fechas indicadas junto a nuestras firmas.

Firma: [Firmado, ilegible] Fecha: 31-7-06

Nombre: **Heather M. Anderson**

Ciudad y Estado o País de residencia: Wildwood, Missouri

Declaración jurada

Estado de: MO - Condado de: St. Louis

El día 31 de julio de 2006, ante mí, compareció personalmente **Heather M. Anderson**, persona de mi conocimiento, quien firmó el instrumento adjunto y declaró firmar el mismo por su propia voluntad. En testimonio de lo cual firmo y sello en el día de la fecha.

(Sello): [Firmado, ilegible] Notario Público u oficial consular

Mi cargo expira el 01-10-07

[Hay un sello que dice:] SELLO NOTARIAL - Darle D. Gault, Notario Público, Condado de St. Louis, Estado de Missouri, Mi cargo expira el 01/10/2007 - Matricula Nro 03385595

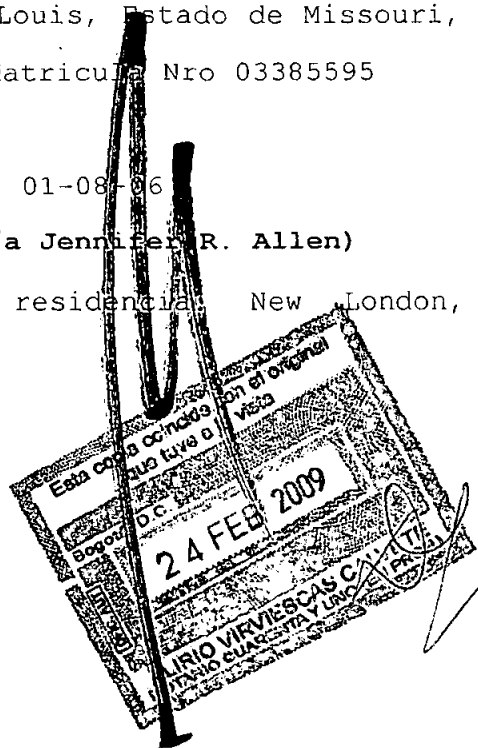
[Página siguiente]

Firma: [Firmado, ilegible] Fecha: 01-08-06

Nombre: **Jennifer R. Douglas (f/k/a Jennifer R. Allen)**

Ciudad y Estado o País de residencia: New London, Connecticut

Declaración jurada



Estado de: Rhode Island - Condado de: Kent

El día 1 de agosto de 2006, ante mí, compareció personalmente **Jennifer R. Douglas (f/k/a Jennifer R. Allen)**, persona de mi conocimiento, quien firmó el instrumento adjunto y declaró firmar el mismo por su propia voluntad. En testimonio de lo cual firmo y sello en el día de la fecha.

(Sello): [Firmado, ilegible] Notario Público u oficial consular

Mi cargo expira [en blanco]

[Hay un sello que dice:] LYNNE M. PAINO, NOTARIO PÚBLICO, ESTADO DE RHODE ISLAND, HABILITADA HASTA el 7 de septiembre de 2007

[Página siguiente]

Firma: [Firmado, ilegible] Fecha: 7/8/06

Nombre: **Jeanna R. Groat**

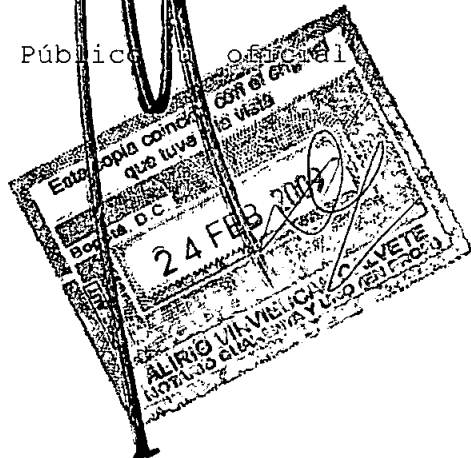
Ciudad y Estado o País de residencia: St. Peters, Missouri

Declaración jurada

Estado de: MISSOURI - Condado de: St. Louis

El día 7 de agosto de 2006, ante mí, compareció personalmente **Jeanna R. Groat**, persona de mi conocimiento, quien firmó el instrumento adjunto y declaró firmar el mismo por su propia voluntad. En testimonio de lo cual firmo y sello en el día de la fecha.

(Sello): [Firmado, ilegible] Notario Público u oficial



260

consular

Mi cargo expira 13/7/2009

[Hay un sello que dice:] NOTARIO PÚBLICO - ESTADO DE MISSOURI - SELLO NOTARIAL - MICHELLE LUDWIG, Mi cargo expira el 13 de julio de 2009 - Condado de St. Louis. Matricula #05550747

[Página siguiente]

Firma: [Firmado, ilegible] Fecha: 31-7-06

Nombre: **Scott C. Johnson**

Ciudad y Estado o País de residencia: Wildwood, Missouri

Declaración jurada

Estado de: MO - Condado de: St. Louis

El día 31 de julio de 2006, ante mí, compareció personalmente **Scott C. Johnson**, persona de mi conocimiento, quien firmó el instrumento adjunto y declaró firmar el mismo por su propia voluntad. En testimonio de lo cual firmo y sello en el día de la fecha.

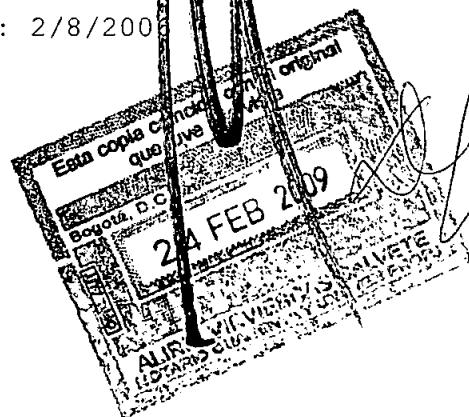
(Sello): [Firmado, ilegible] Notario Público u oficial consular

Mi cargo expira el 01-10-07

[Hay un sello que dice:] SELLO NOTARIAL - Darle D. Gault, Notario Público, Condado de St. Louis, Estado de Missouri, Mi cargo expira el 01/10/2007 - Matricula No. 03385595

[Página siguiente]

Firma: [Firmado, ilegible] Fecha: 2/8/2006



Nombre: Rebecca A. Kelly

Ciudad y Estado o País de residencia: South Kingstown,
Rhode Island

Declaración jurada

Estado de: Connecticut - Condado de: New London

El día 2 de agosto de 2006, ante mí, compareció
personalmente Rebecca A. Kelly, persona de mi conocimiento,
quien firmó el instrumento adjunto y declaró firmar el
mismo por su propia voluntad. En testimonio de lo cual
firmo y sello en el día de la fecha.

(Sello): [Firmado, ilegible] Notario Público u oficial
consular

Mi cargo expira el 31-01-201001-10-07

[Hay un sello ilegible]

[Página siguiente]

Firma: [Firmado, ilegible] Fecha: 2de agosto 2006

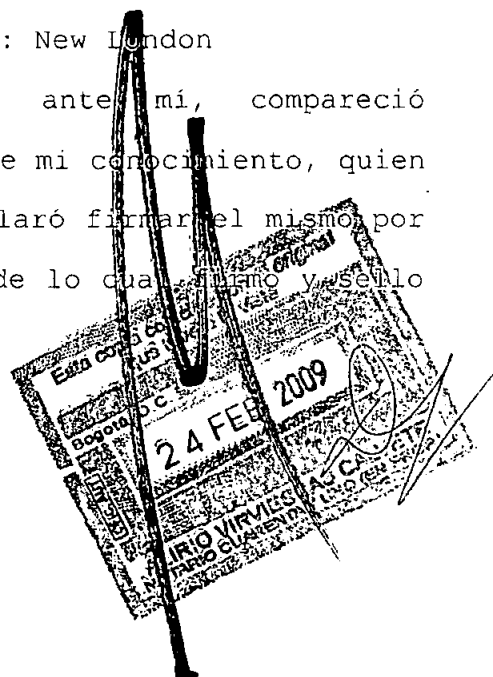
Nombre: John Korte

Ciudad y Estado o País de residencia: Westerly, Rhode
Island

Declaración jurada

Estado de: Connecticut - Condado de: New London

El día 2 de agosto de 2006, ante mí, compareció
personalmente John Korte, persona de mi conocimiento, quien
firmó el instrumento adjunto y declaró firmar el mismo por
su propia voluntad. En testimonio de lo cual firmo y sello



en el día de la fecha.

(Sello): [Firmado, ilegible] Notario Público u oficial consular

Mi cargo expira el 31-01-2010

[Hay un sello ilegible]

[Página siguiente]

Firma: [Firmado, ilegible] Fecha: 31/7/2006

Nombre: **James F. Rice**

Ciudad y Estado o País de residencia: St. Peters, Missouri

Declaración jurada

Estado de: MISSOURI - Condado de: St. Louis

El día 31 de julio de 2006, ante mí, compareció personalmente James F. Rice, persona de mi conocimiento, quien firmó el instrumento adjunto y declaró firmar el mismo por su propia voluntad. En testimonio de lo cual firmo y sello en el día de la fecha.

(Sello): [Firmado, ilegible] Notario Público u oficial consular

Mi cargo expira 13/7/2009

[Hay un sello que dice:] NOTARIO PÚBLICO - ESTADO DE MISSOURI - SELLO NOTARIAL - MICHELLE LUDWIG, Mi cargo expira el 13 de julio de 2009 - Condado de St. Louis. Matricula #05550747

REGISTRADO: 09/08/2006

ROLLO: 018086- CUADROS: 0064-0073



263

[Adjunto]

APOSTILLA

(Convention de La Haye du Octobre 5, 1961)

1. País: Estados Unidos de América

Este documento público

2. ha sido firmado por: W. Montgomery

3. en su carácter de: Jefe de Certificaciones

4. lleva el sello/timbre de: La Oficina de Patentes y
Marcas de los Estados Unidos

CERTIFICADO

5. En: Washington D.C.

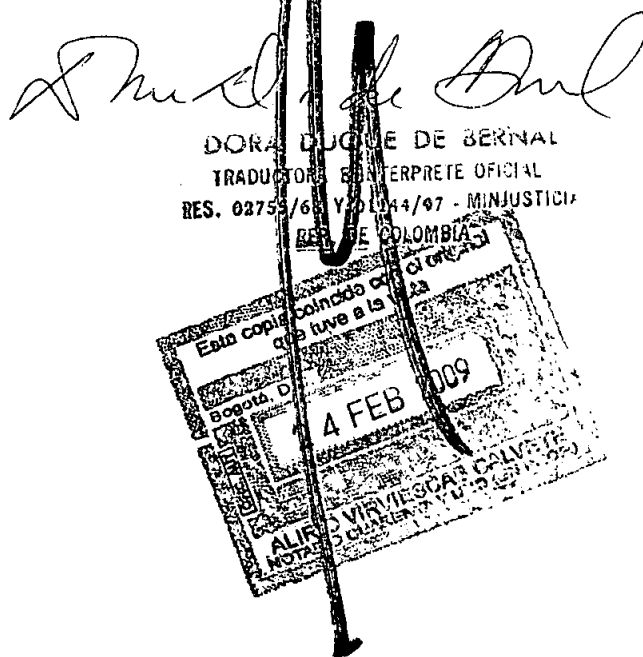
6. el 13 de enero de 2009-01-28

7. por: Asistente del Jefe de Certificaciones, Departamento
de Estado de los Estados Unidos

8. Nro: 09010589-12

9. Sello/Timbre: [Aparece un sello redondo ilegible]

10. Firma: [Aparece una firma ilegible seguida de la
aclaración:] Fernesia T. Crawford



MINISTERIO DE
RELACIONES EXTERIORES

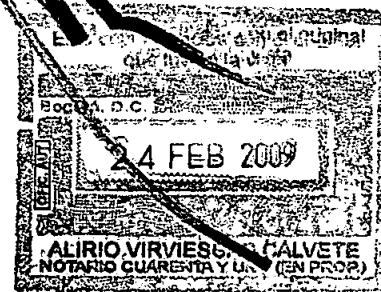
NO SE ASUME
RESPONSABILIDAD
DEL TEXTO

2009 FEB 23 P 12: 52

879371

Mr.
JEFE DE LEGALIZACIONES
BOGOTÁ D.C.

Done De que
CRAI... EN EL
DOCUMENTO...
AS FUNCIONES INDICADAS



REPUBLICA DE COLOMBIA
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

Folio 264

2020
Bogotá D.C.,

Doctor(a)
MARGARITA CASTELLANOS ABONDANO
Apoderado(a) y/o Representante de
MONSANTO TECHNOLOGY LLC

REFERENCIA	Radicación No.	8 125763
	Solicitud internacional	PCT/US2007/069662
	Fecha inicio fase nacional	26/12/2008
	Trámite	11
	Evento	379
	Actuación	416
	Oficio No.	8982
	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,

15 OCT 2009

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

adpall