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SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 09-001732-00002-0000

Fecha: 2009-04-30 16:58:12 Dep. 2020 NUECREACION
Tra. 11 PATENTEIYII Eve: 378 FASENACIONALI
Act. 444 RESPUESTAREQUE Folios: 12

Señora Jefe de la
DIVISION DE NUEVAS CREACIONES
Superintendencia de Industria y Comer
E. S. D.

Trámite : 011 Evento : 378 Actuación : 444

Referencia : Expediente No. 09001732
Asunto : Solicitud de patente para UNIDAD DE COCCIÓN
PARA MÁQUINAS DE CAFÉ AUTOMÁTICAS
Solicitante : RHEA VENDORS S.P.A.

CONTESTACION OFICIO No. 2649

1. Yo, Emilio FERRERO, en mi condición de apoderado de la sociedad solicitante, RHEA VENDORS S.P.A., doy contestación al requerimiento efectuado por este Despacho mediante Oficio No. 2649 notificado por fijación en lista el 6 de marzo de 2009, para lo cual presento el siguiente documento:

1.1. Un (1) documento en que consta la cesión del derecho a la patente efectuado por el inventor en favor de la sociedad RHEA VENDORS S.P.A.

Se presenta este documento en original, el cual fue debidamente suscrito, notariado y legalizado por Apostille, junto con su correspondiente traducción oficial al español.

2. Presento además copia del IPRP (Capítulo I) expedido en relación con la solicitud PCT/IB2007/001584.

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3. De acuerdo con lo anterior, comedidamente solicito a Usted proseguir con el trámite de este asunto y ordenar la publicación de la solicitud de la patente identificada en la referencia.

Señora Jefe,



EMILIO FERRERO
T.P.A. No. 31.929

3 COLO-14531-841-009-2
SCT\SCT\ID-148938\WPC14531
No. M-2009-148938\SCT

CAVELIER
ABOGADOS
EDIFICIO SISKI
CARRERA 4a N° 72-35
BOGOTÁ, 8 - COLOMBIA

CESION

Yo, (nosotros) abajo firmado (s)

domiciliado(s) en

declaro(amos) bajo juramento ser único(s) y verdadero(s) inventor(es)

declaro(amos) así mismo que cedo(emos) y transfiero(erimos), sin limitación, a favor de la sociedad

constituida y existente de conformidad con las leyes de

domiciliada en

todos los derechos inherentes a dicha invención y que la citada Compañía queda facultada para solicitar en su nombre la patente de invención correspondiente en la República de Colombia.

ASSIGNMENT

I (we), the undersigned

Luca DOGLIONI MAJER

of

Via Dei Cristoforis, 14/16, I-22010 Carate Urio,
Como, Italy

state(s) under oath to be sole and true inventor(s) of the invention:

**BREWING UNIT FOR AUTOMATIC COFFEE
MACHINES**

state as well, that assign, without reservations or limitations in favour of

RHEA VENDORS S.P.A.

a corporation constituted and existing in conformity with the laws of
Italy

domiciled in

Via Trieste, 49, I-21042 Caronno Pertusella, VA,
Italy

all rights inherent to said invention and that the above mentioned company hereby is enabled to apply, in its name, for the corresponding patent invention, in the Republic of Colombia

Dado y firmado hoy/Given and signed this

en/in

por/by

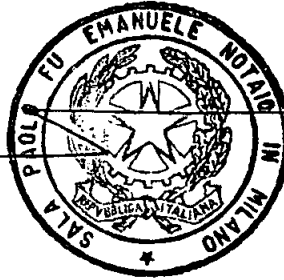
Firma/Signature

Luca DOGLIONI MAJER



I undersigned Dott. PAOLO SALA a Notary Public at Milan, Italy, do hereby certify that this document was signed by Mr. LUCA DOGLIONI MAJER born at Milan (Italy) April 27th, 1959, resident in Carate Urio (CO), Via De Cristoforis n. 14, to me known, and known to me to be the person who executed that foregoing document, and who has legal capacity to execute it.

Milan, Italy, February 19th 2009.



APOSTILLE
(Convention de la Haye du 5 octobre 1961)

1. Paese **ITALIA**

Il presente atto pubblico

2. è stato sottoscritto da *P. Sala*

3. agente in qualità di *Notario in Milano*

4. e segnato dal contrassegno/timbro di *Sig. Not. Mil.*

Attestato

5. a Milano..... 6. il **25 FEB. 2009**

7. dall'ufficio del pubblico ministero

8. sotto il numero *2945*

9. contrassegno/timbro *S. Sala & S. Sala*

Sostituto Procur. della Repubblica
(Dr. Gianluca PRISCO) Firma

2B

TRADUCCIÓN OFICIAL 59/2009 DE UN DOCUMENTO EN INGLÉS Y EN ESPAÑOL, REALIZADA POR EDUARDO CALADO NOGUERA, TRADUCTOR OFICIAL AUTORIZADO POR RESOLUCIÓN 541 DEL 27 DE FEBRERO DE 1976 POR EL MINISTERIO DE JUSTICIA Y DEBIDAMENTE REGISTRADO ANTE EL MINISTERIO DE RELACIONES EXTERIORES DE COLOMBIA. DE ACUERDO CON DICHO DOCUMENTO **LUCA DOGLIONI MAJER**, RESIDENTE EN VIA DEI CRISTOFORIS, 14/16, I-22010 CARATE URIO, COMO, ITALIA, DECLARA BAJO JURAMENTO SER EL INVENTOR ÚNICO Y VERDADERO DE LA INVENCION **UNIDAD DE COCCIÓN PARA MÁQUINAS AUTOMÁTICAS DE PREPARACIÓN DE CAFE**. ADEMÁS QUE CEDEN SIN RESERVAS NI LIMITACIONES EN FAVOR DE **RHEA VENDORS SPA**, UNA SOCIEDAD CONSTITUIDA Y EXISTENTE DE CONFORMIDAD CON LAS LEYES DE ITALIA, DOMICILIADA EN VIA TRIESTE, 49, I-21042 CARONNO PERTUSELLA, VA, ITALIA, TODOS LOS DERECHOS INHERENTES A DICHA INVENCION Y QUE LA CITADA COMPAÑÍA QUEDA FACULTADA PARA SOLICITAR EN SU NOMBRE LA PATENTE CORRESPONDIENTE EN LA REPÚBLICA DE COLOMBIA. DADO Y FIRMADO POR LUCA DOGLIONI MAJER

MEMBRETE: DR. PAOLO SALA- DR. VITTORIO MEDA, NOTARIOS

Yo, el abajo firmante DOCTOR PAOLO SALA, notario público de Milán, Italia, por el presente certifico que este documento fue firmado por LUCA DOGLIONI MAJER, nacido en Milán (Italia), el 27 de abril de 1959, residente en Carate Urió (CO), via de Cristoforis n. 14, conocido mio, y de quien me consta que es la persona firmante del documento precedente, y quien tiene capacidad jurídica para otorgarlo. Milán, Italia, 19 de febrero de 2009. Firmado: PAOLO SALA.

Apostilla # 2945 del 25 de febrero de 2009.

ECN\ECN\ID-146987\WPCL002G

Bogotá, 27 de marzo de 2009.

Eduardo Calado N.
Eduardo Calado Noguera
TRADUCTOR OFICIAL
Inglés - Español - Inglés
Res. 541 Febrero de 1976

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SANDRA MÓNICA BARRIGA BALMA
Traductora e Intérprete Oficial
Resolución Ministerio de Justicia N° 735 del 20 de septiembre de 2001

TRADUCCIÓN OFICIAL N° 2513-06 de la apostilla perteneciente al documento mediante el cual Luca DOGLIONI MAJER cede los derechos de la invención en inglés denominada "BREWING UNIT FOR AUTOMATIC COFFEE MACHINES" favor de la sociedad RHEA VENDORS S.P.A., domiciliada en Italia; realizada por SANDRA MÓNICA BARRIGA BALMA, Abogada y Traductora Oficial de Confianza de las Embajadas de Italia y Suiza en Colombia, nombrada para el cargo mediante Resolución Min-Justicia N° 735 del 20 de Septiembre de 2001.

APOSTILLA

(CONVENCIÓN DE LA HAYA DEL 5 DE OCTUBRE DE 1961)

1. PAÍS: ITALIA

EL PRESENTE DOCUMENTO PÚBLICO

2. FUE SUSCRITO POR PAOLO SALA

3. ACTUANDO EN CALIDAD DE NOTARIO EN MILÁN

4. LLEVA LA ESTAMPILLA/SELLO NOTARIAL

CERTIFICADO:

5. EN MILÁN

6. EL 25 DE FEBRERO DE 2009

7. POR EL DESPACHO DEL MINISTERIO PÚBLICO

8. BAJO EL NÚMERO **2945 AP**

9. ESTAMPILLA/SELLO DE ESTADO.

FIRMADO POR EL PROCURADOR DE LA REPÚBLICA SUPLENTE, DR.

GIANLUCA PRISCO

SELLO REDONDO DE LA PROCURADURÍA DE LA REPÚBLICA EN EL

TRIBUNAL ORDINARIO DE MILÁN.

2009 MAR 30 A 11:40
JEFE DE LEGALIZACIONES
BOGOTÁ D.C.

MINISTERIO DE
RELACIONES EXTERIORES

893537
Sandra Barriga Balma
PROCURADURÍA DE LA REPÚBLICA
ASISTENTE SOCIAL

NO SE ASUME
RESPONSABILIDAD
DEL TEXTO

Res. Minjusticia
735
del 20 de
Septiembre
de 2001

Sandra Barriga Balma
ESPANOL - ITALIANO - ESPANOL

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PATENT COOPERATION TREATY

PCT/IB2007/001584

From the INTERNATIONAL BUREAU

PCTNOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)

(PCT Rule 44bis.1(c))

To:

GISLON, Gabriele
Marietti, Gislone e Trupiano S.r.l.
Via Larga, 16
I-20122 Milan
ITALIE

Date of mailing (day/month/year)

31 December 2008 (31.12.2008)

Applicant's or agent's file reference

07499E80

IMPORTANT NOTICE

International application No.

PCT/IB2007/001584

International filing date (day/month/year)

13 June 2007 (13.06.2007)

Priority date (day/month/year)

14 June 2006 (14.06.2006)

Applicant

RHEA VENDORS S.P.A. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Cecile Chatel

Facsimile No. +41 22 338 82 70

e-mail: ro.ib@wipo.int

Form PCT/IB/326 (January 2004)

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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 07499E80	FOR FURTHER ACTION		See item 4 below
International application No. PCT/IB2007/001584	International filing date (day/month/year) 13 June 2007 (13.06.2007)	Priority date (day/month/year) 14 June 2006 (14.06.2006)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant RHEA VENDORS S.P.A.			

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 6 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).	

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 16 December 2008 (16.12.2008)
	Authorized officer Cecile Chatel e-mail: ro.ib@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

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/IB2007/001584

International filing date (day/month/year)
13.06.2007

Priority date (day/month/year)
14.06.2006

International Patent Classification (IPC) or both national classification and IPC
INV. A47J31/40

Applicant
RHEA VENDORS S.P.A.

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
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Date of completion of
this opinion

see form
PCT/ISA/210

Authorized Officer

Novelli, Bruno

Telephone No. +49 89 2399-2864



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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IB2007/001584

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. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. 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.
4. ☐ 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.
5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2007/001584

Box No. V Reasoned statement under Rule 43b/s.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>1-12</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	<u>1-12</u>
	No: Claims	
Industrial applicability (IA)	Yes: Claims	<u>1-12</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box V

- 1.1) The nearest state of the art is represented by document **EP-A-1532903**. Said document discloses a brewing unit comprising a brewing chamber, a first piston providing a mobile wall of said chamber, said mobile wall having an outlet for delivering the coffee beverage, said unit further comprising means for supporting said piston, said supporting means being movable with said piston with respect to the brewing chamber and being also movable with respect to said first piston.

The subject-matter of independent claim 1 differs in that said means also supports a valve assembly, such that said supporting means is movable with said valve assembly with respect to said first piston for actuating said valve assembly to respectively open or close said delivery outlet on said piston.

None of the available state of the art discloses or suggests said features. Consequently independent claim 1 meets the criteria set forth in Article 33(1) PCT with respect to the available prior art, as well as claims 2-9, as they are dependent on said independent claim.

- 1.2) Independent method claims 10, 11 are directed to a method by way of operating the brewing unit according to the invention and also meet the criteria set forth in Article 33(1) PCT with respect to the available prior art.
- 1.3) Independent claim 12 is directed to a beverage dispensing machine comprising the brewing unit of the invention and also meets the criteria set forth in Article 33(1) PCT with respect to the available prior art.

Box VII

- 1) The dependency of claim 5 is incorrect. Said Claim should be dependent on claims 2-4.
- 2) The wording of dependent claims 7-8 seem to be inconsistent.
- 3) The reference in method claims 10 and 11 is incorrect. They should have been referred to device claim 2, as they refer to a second piston, which is indeed mentioned in claim 2.
- 4) Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in document EP-A-1532903 is not mentioned in the description, nor is this document identified therein.



2020
Bogotá D.C.,

Doctor(a)
FERRERO EMILIO
Apoderado(a) y/o Representante de
RHEA VENDORS S.P.A.

REFERENCIA	Radicación No.	9 1732
	Solicitud internacional	PCT/IB2007/001584
	Fecha inicio fase nacional	14/01/2009
	Trámite	11
	Evento	378
	Actuación	416
	Oficio No.	9859
	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,

02 ENE 2010

ALIX CARMENZA CESPEDES DE VERGEL
Directora de Nuevas Creaciones (c)

jfernand