

OLARTEMOURE

OLARTE MOURE & ASOCIADOS LTDA.

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 09-048059-00005-0000

Fecha: 2011-02-28 17:07:49 Dep. 2020 DIR.NUEVASCR
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Act. 412 REPOSPRESRECU Folios: 40

Señor

SUPERINTENDENTE DE INDUSTRIA Y COME

E.

S.

D.

Re: Expediente No. 09-048.059

Solicitud de Patente de Invención titulada: "COMPUESTOS DE PIRAZOL Y TRIAZOL SUSTITUIDOS COMO INHIBIDORES DE KSP".

Solicitante: NOVARTIS AG

Nuestra Ref: P2009/000072

RECURSO DE REPOSICIÓN

CARLOS R. OLARTE, mayor de edad y vecino de Bogotá, identificado tal como aparece al pie de mi firma, en mi carácter de apoderado de la sociedad solicitante, por medio del presente escrito, y dentro del término legal previsto por el artículo 51 del Código Contencioso Administrativo, me permito interponer RECURSO DE REPOSICIÓN en contra de la Resolución No. 2417 de 27 de enero de 2011, notificada por edicto desfijado el 21 de febrero de 2011.



I. ANTECEDENTES

1. La presente solicitud de patente fue radicada ante la División de Nuevas Creaciones el día 12 de mayo de 2009.
2. Siguiendo con el trámite previsto en el artículo 38 de la Decisión Andina 486 de 2000, el 3 de julio de 2009 la División de Nuevas Creaciones profirió un requerimiento de forma mediante Oficio 7207, en el cual requirió del solicitante que se aportara el documento de cesión del derecho de los inventores al solicitante de la patente.

OLARTEMOURE

OLARTE MOURE & ASOCIADOS LTDA.

3. Lo anterior pese a que el solicitante que figura en la publicación internacional WO2008/086122 fue el mismo NOVARTIS AG. (Ver ANEXO I).¹

4. La posición oficial de Colombia ante la Oficina Internacional de la OMPI para patentes PCT es la de NO exigir documento de cesión para entrada en fase nacional cuando quiera que no hubiese modificación del nombre del solicitante desde la fecha de inicio de fase internacional hasta la radicación en fase nacional tal y como sucede en este caso. (Ver ANEXO II).

5. En el presente caso incluso, revisados los documentos de prioridad disponibles en la OMPI², se observa claramente que el titular de la solicitud y cesionario de derechos de los inventores es exclusivamente NOVARTIS AG (ANEXO I).

6. Pese a esto, con el fin de agilizar el trámite administrativo, el día 30 de julio de 2009, estando dentro del término legal, procedí en nombre de mi representada a dar respuesta al requerimiento efectuado, para lo cual aporté la traducción oficial al español, debidamente legalizada, del documento de cesión en el que constan (i) la cesión de los inventor Yi XIA, Kris G. MENDENHALL, Paul A. BARSANTI, Annette O. WALTER, David DUHL, Paul A. RENHOWE, a Novartis Vaccines and Diagnostics, Inc., filial de NOVARTIS AG, todos estos documentos debidamente legalizados mediante apostilla, no siéndole posible aportar en ese instante la cesión correspondiente de Novartis Vaccines and Diagnostics, Inc. a NOVARTIS AG.

7. Su Despacho, mediante Resolución 2419 decidió declarar abandonada la solicitud de patente al considerar que la respuesta dada al requerimiento de forma de la División de Nuevas Creaciones “es incompleta teniendo en cuenta que el documento de cesión aportado está dirigido a una persona jurídica distinta de la que figura relacionada como solicitante en el petitorio..”.

II. OBJETO DEL RECURSO

Se pretende con el presente recurso que se revoque la Resolución No. 2417, habida cuenta que de la actuación del solicitante no se puede inferir un abandono de la solicitud ya que éste ha cumplido de buena fe con los requisitos exigidos por la legislación colombiana para dar aplicación al Tratado de Cooperación en materia de Patentes, interpretados coherentemente con

¹ Se han omitido en la impresión el capítulo descriptivo y el capítulo reivindicatorio por ser irrelevantes para el tema que se analiza.

² Disponible en:

[http://www.wipo.int/patentscope/search/en/detail.jsf?docId=WO2008063912&recNum=1&tab=PCTDocuments&inaXRec=1&office=&prevFilter=&sortOption=&queryString=FP:\(pct/us2007/084154\)](http://www.wipo.int/patentscope/search/en/detail.jsf?docId=WO2008063912&recNum=1&tab=PCTDocuments&inaXRec=1&office=&prevFilter=&sortOption=&queryString=FP:(pct/us2007/084154))

- aquellos expresados por la Oficina Receptora colombiana oficialmente ante la Oficina Internacional de la OMPI (Ver ANEXO II).

III. FUNDAMENTO DEL RECURSO

1. Este recurso se fundamenta básicamente en la posición oficial de la República de Colombia ante la Oficina Internacional de la OMPI para solicitudes PCT incluida en la Guía de Solicitantes PCT en fase nacional, la cual adjunto para la pronta referencia de su Despacho como ANEXO II.

2. En esta guía se observa como, claramente, al referirse a los requerimientos especiales de la Oficina (colombiana) de conformidad con la Regla 51 bis del PCT, ésta sólo solicitará una copia del documento de traspaso de la solicitud internacional si el solicitante ha cambiado después de la fecha de solicitud internacional.

“Special requirements of the Office (PCT Rule 51bis)

Name and address of the inventor if they have not been furnished in the
“Request” part of the international application (3)

Document evidencing a change of name of the applicant if the change
occurred after the international filing date and has not been reflected in a
notification from the International Bureau (Form PCT/IB/306)

**Instrument of assignment of the international application IF the
applicant has changed after the international filing date.**

Appointment of an agent if the applicant is not resident in Colombia.”

(3) This requirement may be satisfied if the corresponding declaration has
been made in accordance with PCT Rule 4.17.

Traducido al español y para su pronta referencia, el gobierno colombiano manifestó formalmente al momento de implementar el PCT, que los requerimientos especiales de su oficina receptora se limitarían a:



Nombre y dirección del inventor si estos no habían sido incorporados en la solicitud internacional.

Documento que evidencie un cambio en el nombre del solicitante si el cambio ocurre después de la fecha de solicitud internacional y no ha sido reflejado en una notificación de la Oficina Internacional (Formulario PCT/IB/306).

Documento de cesión de la solicitud internacional SI el solicitante ha cambiado después de la fecha de solicitud internacional.

Designación de un agente si el solicitante no es residente en Colombia.

3. Nótese que el gobierno colombiano a más de manifestar a las claras que no exigiría un documento de cesión a menos que hubiese un cambio de solicitante desde la fecha de la solicitud internacional hasta la fecha de entrada en fase nacional, sólo hace referencia mediante nota al pie de página número 3 a la posibilidad de utilizar una declaración de aquellas permitidas por la Regla PCT 4.17 para el evento en el que por alguna razón no se hubiese incluido el nombre del inventor o de uno de los inventores como parte de la solicitud internacional.
4. Al comparar esta declaración con la realizada por otros países como México (Ver ANEXO III), se puede apreciar claramente que la Oficina Receptora puede, a diferencia de lo expresado por Colombia, extender el alcance de la Regla 4.17 a cesiones, incluso cuando no ha habido cambio en el nombre del solicitante desde la fecha de solicitud internacional.
5. En el presente caso, es evidente de los documentos aportados al expediente, así como de aquellos a los que la División de Nuevas Creaciones tiene acceso mediante sus bases de datos, que el único solicitante de la patente siempre ha sido NOVARTIS AG.
6. La posición de la Oficina Colombiana expresada ante la Oficina Internacional es completamente lógica y además coherente con su legislación interna aplicable, particularmente con el artículo 26, literal k de la Decisión 486, que exige “de ser el caso, copia del **documento en el que conste** la cesión del derecho a la patente del inventor o su causante”.

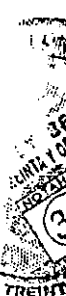


7. a. Una cesión de derechos puede “constar” de muchas formas. De hecho el verbo constar hace referencia al hecho de “ser cierta y manifiesta una cosa”³. En este caso concreto la cesión del derecho del inventor “consta” en múltiples documentos que reposan en el expediente físico aportado o que pueden ser obtenidos de bases de datos a los cuales la División de Nuevas Creaciones tiene acceso sin necesidad de requerir al solicitante. Esto obviamente salvo que el solicitante haya variado con respecto a aquel que figuraba en la solicitud internacional. Si el solicitante ha variado en ese lapso de tiempo, es perfectamente razonable que la División de Nuevas Creaciones requiera de elementos adicionales que le den certeza con respecto a la titularidad del derecho y en esa medida exija documentos que le aclaren cualquier duda, como puede ser, entre otras manifestaciones, una declaración en el marco de la Regla 4.17 del PCT, o cualquier otro documento que acredite una cesión de derechos como lo establece la Circular Única, Título X, Capítulo V, numeral 5.2.17, que afirma que la Oficina Nacional tendrá en cuenta estas declaraciones “en la medida en que indiquen claramente una cesión de derechos del inventor”.

7. b. Naturalmente la discrecionalidad para efectos de acreditación de titularidad en una solicitud PCT varía de país en país en el marco de la Regla PCT 51 bis. En el caso ecuatoriano, por ejemplo, dicha discrecionalidad permite al gobierno ecuatoriano no exigir ningún documento de cesión cuando quiera que no haya variado la titularidad de la solicitud internacional desde su presentación hasta el momento del inicio de la fase nacional ecuatoriana. Por el contrario, países como Perú reconocen que cuando se han dado este tipo de variaciones en la fase internacional, la titularidad de la solicitud de patente puede acreditarse bien con una declaración vía Regla PCT 4.17, o por cualquier otra forma con la que se acredite apropiadamente una cesión de derechos en cabeza del titular.

8. De acuerdo con el artículo 3 del C.C.A., uno de los principios orientadores de las actuaciones administrativas radica en su eficacia, para lo cual debe entenderse que los procedimientos deben lograr su finalidad, removiendo el funcionario público de oficio los obstáculos puramente formales. Esto, unido al hecho de que el solicitante ha actuado en todo momento de buena fe, permiten a la Superintendencia considerar la sanción de abandono que la resolución recurrida impone y que es irreversible en materia de patentes, máxime teniendo en cuenta que incluso, si así lo considerara pertinente, este tipo de problemas formales pueden requerirse en cualquier momento del trámite, incluso cuando la solicitud es estudiada de fondo en su patentabilidad de conformidad con lo dispuesto en el artículo 45 de la Decisión 486.

³ Diccionario de la Lengua Española, Real Academia Española, Vigésima Edición 1984, Tomo I, página 365.



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9. Ahora bien: más allá del cumplimiento de un requisito esencialmente formal y aunque en el presente caso no existe duda de la titularidad del solicitante internacional en cabeza de NOVARTIS AG, con el fin de corroborar lo que ya consta en los documentos aportados hasta el momento con la solicitud y a propósito del requerimiento de forma de su Despacho, se adjunta con este recurso un documento en el que claramente consta la cesión de derechos efectuada por Novartis Vaccines and Diagnostics, Inc. a NOVARTIS AG, debidamente legalizada y traducida oficialmente al español, visible como ANEXO IV.

IV. PETICIÓN

Por las razones expuestas, atentamente solicito a su Despacho que revoque la determinación de declarar el abandono de la solicitud, para en su lugar proferir una resolución en la que permita la continuación del trámite ordenando su publicación.

Igualmente, se solicita a su Despacho ratificar la posición expresada oficialmente ante la Oficina Internacional de la OMPI para trámites de patente PCT en fase nacional en Colombia (ANEXO I), en el sentido de NO exigir documentos en los que conste la cesión cuando quiera que no haya cambios en el solicitante desde que realiza la solicitud internacional, hasta el momento de la solicitud de entrada en fase nacional. Esto, con el fin de garantizar la seguridad jurídica del solicitante, y la confianza legítima que este tiene en las manifestaciones expresas realizadas por el Gobierno colombiano ante la Oficina Internacional.

V. NOTIFICACIÓN

Recibiré notificaciones en mis oficinas ubicadas en la Diagonal 34 N° 5 - 28, Bogotá D.C.

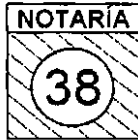
Atentamente,

CARLOS R. OLARTE
C.C. No. 79.782.747 de Bogotá
T.P. 74.295



**PRESENTACIÓN PERSONAL Y
RECONOCIMIENTO DE CONTENIDO,
FIRMA Y HUELLA**

El Notario Treinta y Ocho (38) del Circulo de Bogotá, D.C. da fe que el anterior escrito fue presentado personalmente por:



OLARTE GARCIA CARLOS REINALDO

quien exhibió la: C.C. 79782747

y Tarjeta Profesional No. 74295

y manifestó que la firma y huella que aparecen en el presente documento son suyas, y que acepta el contenido del mismo.

(Art. 68 Dec. 960/70 concordante con
Art 4 Dec. 1681/96)

Bogotá D.C. 28/02/2011

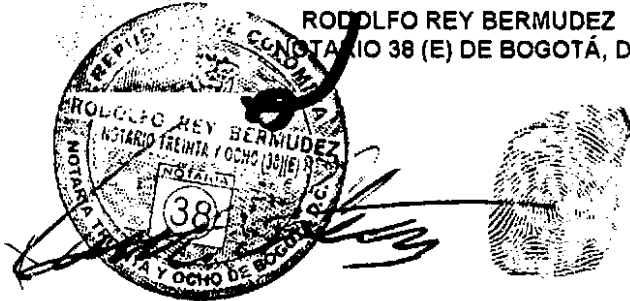


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RODOLFO REY BERMUDEZ

NOTARIO 38 (E) DE BOGOTÁ, D.C.



(19) World Intellectual Property Organization
International Bureau



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29 May 2008 (29.05.2008)

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(10) International Publication Number
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C07D 249/08 (2006.01) C07D 413/12 (2006.01)
C07D 401/12 (2006.01) A61K 31/55 (2006.01)
C07D 403/12 (2006.01) A61P 35/00 (2006.01)

94662-8097 (US). RENHOWE, Paul A. [US/US]; c/o
Novartis Vaccines and Diagnostics, Inc., P.O. Box 8097,
Emeryville, California 94662-8097 (US).

(21) International Application Number:

PCT/US2007/084154

(74) Agent: KATHARDEKAR, Vinit; c/o Novartis Vaccines
and Diagnostics, Inc., 4560 Horton Street, Mail Stop
R-338, Emeryville, California 94608, (US).

(22) International Filing Date:

8 November 2007 (08.11.2007)

(81) Designated States (unless otherwise indicated, for every
kind of national protection available): AE, AG, AL, AM,
AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH,
CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG,
ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL,
IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK,
LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW,
MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PG, PH, PL,
PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, SV, SY,
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60/858,964 13 November 2006 (13.11.2006) US

(71) Applicant (for all designated States except US): NOVARTIS AG [CH/CH]; Lichstrasse, 35, CH-4056 Basel (CH).

(72) Inventors; and

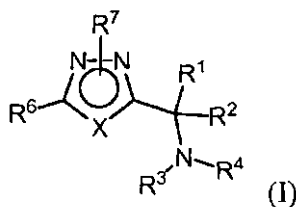
(75) Inventors/Applicants (for US only): XIA, Yi [US/US];
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Diagnostics, Inc., P.O. Box 8097, Emeryville, California
94662-8097 (US). BARSANTI, Paul A. [GB/US]; c/o
Novartis Vaccines and Diagnostics, Inc., P.O. Box 8097,
Emeryville, California 94662-8097 (US). WALTER, Annette O. [DE/US]; c/o Novartis Vaccines and Diagnostics,
Inc., P.O. Box 8097, Emeryville, California 94662-8097
(US). DUHL, David [US/US]; c/o Novartis Vaccines and
Diagnostics, Inc., P.O. Box 8097, Emeryville, California

(84) Designated States (unless otherwise indicated, for every
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GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM,
ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM),
European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI,
FR, GB, GR, HU, IE, IS, IT, LT, LU, LV, MC, MT, NL, PL,
PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM,
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Published:

— with international search report
— before the expiration of the time limit for amending the
claims and to be republished in the event of receipt of
amendments

(54) Title: SUBSTITUTED PYRAZOLE AND TRIAZOLE COMPOUNDS AS KSP INHIBITORS



(57) Abstract: Disclosed are new substituted pyrazole and triazole compounds of Formula (I) and pharmaceutically acceptable salts, esters or prodrugs thereof, compositions of the derivatives together with pharmaceutically acceptable carriers, and uses thereof:

Anno I

8

Document made available under the Patent Cooperation Treaty (PCT)

International application number: PCT/US2007/084154

International filing date: 08 November 2007 (08.11.2007)

Document type: Certified copy of priority document

Document details: Country/Office: US
Number: 60/858,964
Filing date: 13 November 2006 (13.11.2006)

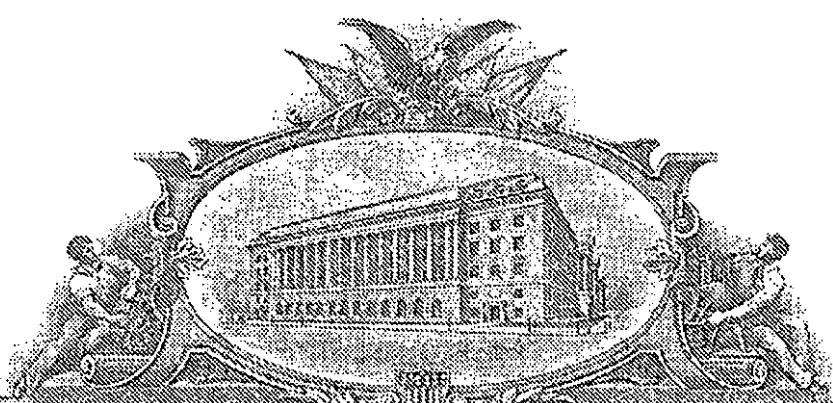
Date of receipt at the International Bureau: 01 December 2007 (01.12.2007)

Remark: Priority document submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b)



World Intellectual Property Organization (WIPO) - Geneva, Switzerland
Organisation Mondiale de la Propriété Intellectuelle (OMPI) - Genève, Suisse

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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 01, 2007

THIS IS TO CERTIFY THAT ANNEXED HERETO IS A TRUE COPY FROM THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE OF THOSE PAPERS OF THE BELOW IDENTIFIED PATENT APPLICATION THAT MET THE REQUIREMENTS TO BE GRANTED A FILING DATE.

APPLICATION NUMBER: 60/858,964
FILING DATE: November 13, 2006
RELATED PCT APPLICATION NUMBER: PCT/US07/84154

THE COUNTRY CODE AND NUMBER OF YOUR PRIORITY APPLICATION, TO BE USED FOR FILING ABROAD UNDER THE PARIS CONVENTION, IS US60/858,964



Certified by

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

10

Application Data Sheet

Application Information

Application Type::	Provisional
Subject Matter::	Utility
Suggested classification::	
Suggested Group Art Unit::	
CD-ROM or CD-R?::	None
Computer Readable Form (CRF)?::	No
Title::	SUBSTITUTED PYRAZOLE AND TRIAZOLE COMPOUNDS AS KSP INHIBITORS
Attorney Docket Number::	PP028297.0001/356000-3150
Request for Early Publication?::	No
Request for Non-Publication?::	No
Suggested Drawing Figure::	N/A
Total Drawing Sheets::	N/A
Small Entity?::	No
Petition included?::	No
Secrecy Order in Parent Appl.?::	No

Applicant Information

Applicant Authority Type::	Inventor
Primary Citizenship Country::	People's Republic of China
Status::	Full Capacity
Given Name::	Yi
Family Name::	XIA
City of Residence::	Emeryville
State or Province of Residence::	CA
Country of Residence::	US

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Atty. Dkt. No.: PP028297.0001 (Foley 356000-3150)

Street of mailing address:: c/o Novartis Vaccines and Diagnostics Inc.
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State or Province of mailing address:: CA
Postal or Zip Code of mailing address:: 94662-8097

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Family Name:: BARSANTI
City of Residence:: Emeryville
State or Province of Residence:: CA
Country of Residence:: US
Street of mailing address:: c/o Novartis Vaccines and Diagnostics Inc.
P.O. Box 8097

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Atty. Dkt. No.: PP028297.0001 (Foley 356000-3150)

City of mailing address:: Emeryville
State or Province of mailing address:: CA
Postal or Zip Code of mailing address:: 94662-8097

Applicant Authority Type:: Inventor
Primary Citizenship Country::
Status:: Full Capacity
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Family Name:: WALTER
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State or Province of Residence:: CA
Country of Residence:: US
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State or Province of mailing address:: CA
Postal or Zip Code of mailing address:: 94662

Applicant Authority Type:: Inventor
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Status:: Full Capacity
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P.O. Box 8097
City of mailing address:: Emeryville

13

Atty. Dkt. No.: PP028297.0001 (Foley 356000-3150)

State or Province of mailing address:: CA
Postal or Zip Code of mailing address:: 94662

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: Paul A.
Family Name:: RENHOWE
City of Residence:: Emeryville
State or Province of Residence:: CA
Country of Residence:: US
Street of mailing address:: c/o Novartis Vaccines and Diagnostics Inc.
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City of mailing address:: Emeryville
State or Province of mailing address:: CA
Postal or Zip Code of mailing address:: 94662-8097

Correspondence Information

Correspondence Customer Number:: 27476
E-Mail address:: PTOMailSiliconValley@foley.com

Representative Information

Representative Customer Number:: 27476

A

Atty. Dkt. No.: PP028297.0001 (Foley 356000-3150)

Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::

Foreign Priority Information

Country::	Application number::	Filing Date::	Priority Claimed::

Assignee Information

Assignee Name:: Novartis AG

Amr 07. 72

15

Electronic Acknowledgement Receipt	
EFS ID:	2445583
Application Number:	
International Application Number:	PCT/US07/84154
Confirmation Number:	1669
Title of Invention:	SUBSTITUTED PYRAZOLE AND TRIAZOLE COMPOUNDS AS KSP INHIBITORS
First Named Inventor/Applicant Name:	NOVARTIS AG
Customer Number:	38706
Correspondence Address:	Vinit Kathardekar c/o Novartis Vaccines and Diagnostics, Inc. 4560 Horton Street, Mail Stop R-338 - Emeryville CA 94608 US 510-923-3949 vinit.kathardekar@novartis.com
Filer:	Wenrong Huang/Bernadette Cantiga
Filer Authorized By:	Wenrong Huang
Attorney Docket Number:	PP028297.0003
Receipt Date:	08-NOV-2007
Filing Date:	
Time Stamp:	19:04:26
Application Type:	International Application for filing in the US receiving office

Payment information:

Submitted with Payment	yes
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16

Payment was successfully received in RAM	\$4552
RAM confirmation Number	3356
Deposit Account	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
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	Document Description	Start	End		
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	RO/101 - Annex (fee calculation sheet)	8	8		
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	Abstract	10	10		
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	Specifcation	1	96		
	Claims	97	114		

Abstract

115

115

Warnings:

Information:

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Information:

Total Files Size (in bytes):	1636471
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the Indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 Indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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Electronic Patent Application Fee Transmittal				
Application Number:				
Filing Date:				
Title of Invention:		SUBSTITUTED PYRAZOLE AND TRIAZOLE COMPOUNDS AS KSP INHIBITORS		
First Named Inventor/Applicant Name:		NOVARTIS AG		
Filer:		Wenrong Huang/Bernadette Cantiga		
Attorney Docket Number:		PP028297.0003		
International Application for filing in the US receiving office Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Transmittal fee	1601	1	300	300
Suppl. Intl Filing Fee (each page > 30)	1703	92	12	1104
International Search (EPO)	1704	1	2197	2197
Int'l Filing Fee (1st-30 Pgs.) EFS Web	1710	1	931	931
Additional Copies of Patent Application as filed	8007	1	20	20
Pages:				
Claims:				
Miscellaneous-Filing:				

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Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				4552

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**SUPERINTENDENCE OF INDUSTRY
AND COMMERCE (COLOMBIA)**
AS
DESIGNATED (OR ELECTED) OFFICE

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THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees Annex CO.I

List of abbreviations:

- Office: Superintendence of Industry and Commerce (Colombia)
- CAC Decision 486: Decision 486 of the Commission of the Andean Community
- CCo: Code of Commerce
- CPC: Civil Procedure Code

SUMMARY

Designated
(or elected) Office

SUMMARY

CO

SUPERINTENDENCE OF INDUSTRY
AND COMMERCE (COLOMBIA)

CO

Summary of requirements for entry into the national phase

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date
Translation of international application required into: ¹	Spanish
Required contents of the translation for entry into the national phase: ¹	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	A copy is required only if the applicant expressly requests early commencement of the national phase at a time when the Office has not been sent a copy of the international application from the International Bureau under PCT Article 20.
National fee: ¹	Currency: Colombian peso (COP) For patent: Filing fee: COP 400,000 For utility model: Filing fee: COP 235,000
Exemptions, reductions or refunds of the national fee:	None
Special requirements of the Office (PCT Rule 51bis): ²	Name and address of the inventor if they have not been furnished in the "Request" part of the international application ³ Document evidencing a change of name of the applicant if the change occurred after the international filing date and has not been reflected in a notification from the International Bureau (Form PCT/IB/306) Instrument of assignment of the international application if the applicant has changed after the international filing date Appointment of an agent if the applicant is not resident in Colombia
Who can act as agent?	Any attorney registered in Colombia
Does the Office accept requests for restoration of the right of priority (PCT Rule 49ter.2)?	No

¹ Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1). The Office or the agent should be consulted for the latest applicable fee amount.

² If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit of two months from the date of receipt of the invitation.

³ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

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THE PROCEDURE IN THE NATIONAL PHASE

CO.01 TRANSLATION (CORRECTION). Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

CO.02 FEES (MANNER OF PAYMENT). The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex CO.I.

CCo Art. 543
CPC Art. 63
67

CO.03 REPRESENTATION. If the applicant is not resident in Colombia, an agent must be appointed by filing a simple power of attorney. Any attorney registered in Colombia may act as agent.

CAC Decision 486
Art. 26(h)

CO.04 COPIES OF ACCESS CONTRACTS. Where the products or processes for which a patent is sought are obtained or developed from genetic materials or from their derivatives, the origin of which is one of the Member States of the Andean Pact, a copy of the access contract must be furnished. If this requirement is not fulfilled, the Office will invite the applicant to comply with it within a period of two months following the date of notification; this period may be extended once, upon request, for an equal length of time.

CAC Decision 486
Art. 26(i)

CO.05 COPIES OF LICENSES OR AUTHORIZATIONS TO USE TRADITIONAL KNOWLEDGE. Where the products or procedures for which protection is sought are obtained or developed from traditional knowledge the origin of which is one of the Member States of the Andean Pact, a copy of the document licensing or authorizing use of traditional knowledge of indigenous, African American or local communities of the Member States of the Andean Pact must be furnished. If this requirement is not fulfilled, the Office will invite the applicant to comply with it within a period of two months following the date of notification; this period may be extended once, upon request, for an equal length of time.

CAC Decision 486
Art. 26(j)
29

CO.06 CERTIFICATE OF DEPOSIT OF BIOLOGICAL MATERIAL. Where the invention refers to a product or a process involving biological material and the invention cannot be understood and carried out, as described, by a person skilled in the art, a certificate of deposit of the biological material must be furnished.

CAC Decision 486
Art. 44

CO.07 EXAMINATION. The Office examines patent applications as to substance, upon request made by the applicant within three months after publication of the application by the Office, and subject to the payment of a special fee. If that period elapses without the applicant having requested the examination, the application shall be considered to have been abandoned. The request must be accompanied by the receipt of the fee paid.

PCT Art. 28
41
CAC Decision 486
Art. 34

CO.08 AMENDMENT OF THE APPLICATION; TIME LIMITS. The applicant may, at any time during the processing, request the modification of the application, provided that the scope of the subject matter of the application is not broadened thereby.

CAC Decision 486
Art. 80

CO.09 ANNUAL FEES. After a patent has been granted, annual fees shall be paid in advance in order to keep the patent in force. The deadline for the payment of each annual fee shall be the last day of the month having the same name as the month of the international filing date. Two or more annual fees may be paid in advance. Annual fees may be paid within a grace period of six months after the starting date of the corresponding annual period, together with the prescribed surcharge. The patent shall remain in force during the grace period. Failure to pay an annual fee shall result in the legal lapsing of the patent.

CAC Decision 486
Art. 39

CO.10 EXCUSE OF DELAYS IN MEETING TIME LIMITS. Reference is made to paragraphs 6.022 to 6.027 of the National Phase. If the applicant fails to comply with the applicable requirements prescribed by the national law upon entry into national phase, the Office will invite the applicant to comply within a period of two months following the date of notification; this period may be extended once, upon request, for an equal length of time.

PCT Art. 25
PCT Rule 51

CO.11 REVIEW UNDER ARTICLE 25 OF THE PCT. The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. If, upon review under PCT Article 25, the Office denied an error or omission on the part of the receiving Office, an appeal against this decision may be lodged with the Office within a period of two months following the date of notification.

PCT Art. 4(3)
43
PCT Rule 49bis.1
(a), (b)
76.5

CO.12 UTILITY MODEL. If the applicant wishes to obtain a utility model patent instead of a patent in Colombia on the basis of an international application, for international applications filed before 1 January 2004, this must have been indicated in the international application (in Box No. V of the request) when filed; for international applications filed on or after 1 January 2004, since the request form no longer provides for the furnishing of such an indication, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office.



FEES

(Currency: Colombian peso)

Patents

Filing fee	400,000
Fee for requesting examination	
— where an international search report has been established	335,000
— where an international preliminary examination report has been established	168,000
Fee for extension of time limits or additional time limit	60,000
Fee for amendment or correction of application	82,000
Fee for filing an opposition	212,000
Annual fees:	
— per year	208,000
— surcharge for late payment during grace period	260,000

Utility models

Filing fee	235,000
Fee for requesting examination	
— where an international search report has been established	224,000
— where an international preliminary examination report has been established	112,000
Fee for extension of time limits or additional time limit	60,000
Fee for amendment or correction of application	82,000
Fee for filing an opposition	212,000
Annual fees:	
— per year	123,000
— surcharge for late payment during grace period	154,000

The complete list of national fees for the Office is in *Resolución* 41687 of December 24, 2002. These fees will be re-calculated on an annual basis according to the rate of inflation applicable to the year they will be in force.

How can payment of fees be effected?

All payments must indicate the application number (national, if already known; international, if the national number is not yet known), the name of the applicant and the category of fee being paid.

The payment of fees must be effected in Colombian pesos in cash, by check, bank giro or bank transfer to bank account No. 050-00110-6, at Banco Popular, Sucursal Bogotá. Name of account: D.T.N. Recaudo Superintendencia de Industria y Comercio. Recaudo Nacional. Código Rentístico 01.

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**MEXICAN INSTITUTE OF INDUSTRIAL
PROPERTY**
(INSTITUTO MEXICANO DE LA PROPIEDAD INDUSTRIAL)
AS
DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

- Office: Mexican Institute of Industrial Property
- MPL: Mexican Patent Provisions under the Industrial Property Law
- MPR: Mexican Patent Rules under the Industrial Property Regulations

SUMMARY

Designated
(or elected) Office

SUMMARY

MX

MEXICAN INSTITUTE OF INDUSTRIAL
PROPERTY

MX

Summary of requirements for entry into the national phase

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 30 months from the priority date Under PCT Article 39(1)(a): 30 months from the priority date
Translation of international application required into: ¹	Spanish
Required contents of the translation for entry into the national phase: ¹	Under PCT Article 22: Description, claims (if amended, as amended only, together with any statement under Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, only as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee: ^{2, 3}	Currency: Mexican peso (MXP) For patent: Filing fee: ⁵ MXP 5,651.30 ⁴ MXP 3,770.44 ⁵ For utility model: Filing fee: ⁵ MXP 1,639.13 ⁴ MXP 1,093.04 ⁵
Exemptions, reductions or refunds of the national fee:	Applicants which are inventors, small- or medium-sized enterprises, public or private institutions of higher education or public sector scientific or technological institutions may pay 50% of the applicable fees in accordance with Title II of the Industrial Property Law as well as 50% of those related to technical information.

[Continued on next page]

¹ Where the filing fee has been paid and a copy of the international application has been provided to the Office within the time limit applicable under PCT Article 22 or 39(1), the translation may be filed within two months from the expiration of that time limit.

² Must be paid within the time limit applicable under PCT Article 22 or 39(1).

³ This fee is subject to a national tax of 16%.

⁴ Payable where the national phase is entered under PCT Article 22. This fee includes a 25% reduction based on the establishment of an international search report.

⁵ Payable where the national phase is entered under PCT Article 39(1). This fee includes a 50% reduction based on the establishment of an international preliminary examination report.

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SUMMARY

Designated
(or elected) Office

SUMMARY

MX

MEXICAN INSTITUTE OF INDUSTRIAL
PROPERTY

MX

[Continued]

Special requirements of the Office (PCT Rule 51bis): ⁶	Document evidencing the entitlement to apply for a patent ⁷ Instrument of assignment where the applicants in the national phase and international phase are not identical Appointment of an agent if the applicant is not resident in Mexico
Who can act as agent?	Any resident or national of Mexico
Does the Office accept requests for restoration of the right of priority (PCT Rule 49ter.2)?	No

⁶ If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

⁷ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

THE PROCEDURE IN THE NATIONAL PHASE

MX.01 TRANSLATION (CORRECTION). Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

MPL Art. 179
MPR Art. 5(VII)¶3

MX.02 TRANSLATION (LATE FURNISHING OF). If the translation of the international application has not been furnished by the applicant within the time limit applicable under PCT Article 22 or 39(1) but the national fee indicated in the Summary has been paid and a copy of the international application has been furnished within that time limit, the translation can still be furnished within a further period of two months, although the Office will not issue an invitation.

MX.03 FEES (MANNER OF PAYMENT). The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex MX.I.

MPL Art. 181 (I or II)

MX.04 POWER OF ATTORNEY. If the applicant is not resident in Mexico, an agent must be appointed by filing a simple power of attorney signed in the presence of two witnesses, each of whom must sign that power and indicate his address. In addition, but only in the case of an applicant which is a legal entity, the power must state that the person signing on behalf of that legal entity has authority to do so and must cite the relevant document supporting such statement. A model power of attorney is given in Annex MX.II.

MPL Art. 62
MPR Art. 9(II)

MX.05 INSTRUMENT OF ASSIGNMENT. Where the applicant in the national phase is not identical to the applicant in the international phase, he will be invited to furnish a certified copy or an originally signed version of the document(s) containing the assignment of the rights to the application.

MPL Art. 50
53-55bis
MPR Art. 42-45

MX.06 EXAMINATION. The Office examines patent applications as to substance. No request is necessary and no special fee is required.

PCT Art. 28
41
MPL Art. 55bis

MX.07 AMENDMENT OF THE APPLICATION; TIME LIMITS. The applicant may amend or correct the description, claims or drawings at any time during the patent procedure before the notice of allowance, provided that the scope of the subject matter of the application is not broadened thereby.

MPL Art. 58

MX.08 EXCUSE OF DELAYS IN MEETING TIME LIMITS. The Office does not excuse the failure to comply with a time limit, either during the international phase or during the national phase, unless otherwise specified in this Chapter.

PCT Art. 25
PCT Rule 51

MX.09 REVIEW UNDER ARTICLE 25 OF THE PCT. The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, an appeal against this decision may be lodged with the Office.

PCT Art. 4(3)
43
PCT Rule 49bis.1
(a), (b)
76.5
MPL Art. 27-30

MX.10 UTILITY MODELS. If the applicant wishes to obtain a utility model instead of a patent in Mexico on the basis of an international application, for international applications filed before 1 January 2004, this must have been indicated in the international application (in Box No. V of the request) when filed; for international applications filed on or after 1 January 2004, since the request form no longer provides for the furnishing of such an indication, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office.

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MPL Art. 49
MPR Art. 41

MX.11 CONVERSION. An international application for a patent may be converted into a utility model application, and vice versa, within three months after the applicant has performed the acts for entering the national phase indicated in the Summary, or within three months from the date on which the Office has required him to make the conversion, as long as the application has not become abandoned. The applicant should submit proof of payment of the applicable fee together with the request for conversion or upon compliance with the requirements for conversion.

MPL Art. 200-202

MX.12 APPEALS. The applicant may request reconsideration of a decision to refuse to grant a patent or utility model by submitting to the Office, in writing, within 30 days from the date of the notification of refusal, a request for reconsideration accompanied by any relevant documentation. A decision by the Office denying reconsideration will be communicated to the applicant in writing and published in the Gazette of the Office.



FEES¹

(Currency: Mexican peso)

Patents

Filing fee ²	5,651.30 ³ 3,770.44 ⁴
Priority claim fee, per priority	948.00

Utility models

Filing fee ²	1,639.13 ³ 1,093.04 ⁴
Priority claim fee, per priority	948.00

How can payment of fees be effected?

The payment of fees must be effected in Mexican pesos. All payments must indicate the application number (national, if already known; international, if the national application number is not yet known), the name of the applicant and the category of fee being paid. All fees must be paid to the Office through a person who has an address in the national territory. The applicant must attach the payment receipt to his application.

¹ The Office or the agent should be consulted for the applicable schedule of fees.
² This fee is subject to a national tax of 16%.
³ Payable where the national phase is entered under PCT Article 22.
⁴ Payable where the national phase is entered under PCT Article 39(1).

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PODER

Por medio de la presente se confiere al (los) Sr. (Sres.)¹

poder cumplido y bastante para que en mi (el) nombre y representación realice el trámite de presentación de una solicitud internacional relativa a la invención denominada²

ante el Instituto Mexicano de la Propiedad Industrial, de conformidad con la Ley de la Propiedad Industrial.

(En el caso de personas morales) El poderdante que suscribe la presente cuenta con las facultades legales para otorgar dicho poder, de acuerdo con (instrumento en el conste dichas facultades)

Lugar

Fecha

Poderdante³
(firma)

Apoderado
(firma)

Testigo

Testigo

Nombre y firma

Nombre y firma

Domicilio

Domicilio

¹ Nombre del mandatario o apoderado.
² Título de la invención.
³ Nombre y dirección completo de la persona que ha nombrado al mandatario. En el caso de poderdante, en nombre de persona moral deberá indicar la denominación de la empresa y la dirección de la misma.

CESIÓN

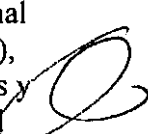
A título oneroso, cuyo recibo y suficiencia se acusan por medio del presente, nosotros

Novartis Vaccines and Diagnostics Inc.
P.O. Box 8097
Emeryville, CA 94608
USA

por la presente vendemos, cedemos y transferimos a Novartis AG, una compañía organizada bajo las leyes de la Confederación Suiza, con domicilio en Lichtstrasse 35, 4056 Basel, Suiza, y sus sucesores, cesionarios y representantes legales, todo nuestro derecho, título e interés para todos los países del mundo (Novartis AG de aquí en adelante referido como el "CESIONARIO") (1) todos nuestros inventos y descubrimientos descritos en la solicitud de patente con el siguiente título

Compuestos de Pirazol y Triazol Sustituidos como Inhibidores de KSP

y presentada en la Oficina de Marcas y Patentes de los Estados Unidos el ____ de 20__ y asignado número de solicitud ____ y/o presentado en la RO(oficina receptora)/US el 8 de noviembre de 2007, y asignado el Número de Solicitud de Patente Internacional PCT/US07/084154, (2) dicha(s) solicitud(es) de patente, (3) todas las fases nacionales de dicha solicitud de patente internacional, (4) toda otra solicitud de patente en todo país y región que reivindique prioridad sobre la solicitud de patente provisional presentada ante la Oficina de Marcas y Patentes de los Estados Unidos el 13 de noviembre de 2006 y asignado el número de Solicitud 60/858964, (5) toda continuación o división de todas aquellas solicitudes de patente (incluyendo continuaciones y divisiones adicionales tales como, pero no limitándose a, continuaciones de continuaciones y continuaciones de divisiones), ((2)-(5) de aquí en adelante referida de manera colectiva como "solicitudes de patente"), (6) toda patente otorgada sobre cualquiera de dichas solicitudes de patente, (7) todo registro y confirmación de, y certificados de importación con base en, una o más de dichas patentes y (8) todo re-otorgamiento, renovaciones y extensiones de dichas patentes, certificados de re-examinación otorgados para dichas patentes y certificados de protección suplementaria con base en dichas patentes (incluyendo el derecho de presentar solicitudes de patente de dichos inventos y descubrimientos en nombre del CESIONARIO, sus designados o en nombre de cualquier o todos nuestros nombres, a su elección y de acuerdo con la legislación vigente en todos los países y regiones y todos los derechos de prioridad en todos los países y regiones para todas aquellas solicitudes de patente bajo la Convención Internacional para la Protección de la Propiedad Industrial, la Convención Inter-Americana con relación a Inventos, Patentes, Diseños y Modelos Industriales y cualquier otro acuerdo internacional en el cual los Estados Unidos es actualmente un signatario o lo será de aquí en adelante), las mismas a ser habidas y gozadas por dicho CESIONARIO, sus sucesores, cesionarios y representantes legales, incluyendo la totalidad del propósito de los términos para lo cual toda patente es otorgada, de manera tan completa como hubiese sido tenida y gozada por nosotros si esta venta, cesión o transferencia no se hubiese hecho.


ROBERTO M. OLARTE GARCIA
Traductor e Intérprete Oficial
Resolución No. 0041
Minjusticia 1996

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Página 2

Caso Patente 52086

* por medio de la presente autorizamos al CESIONARIO y sus representantes insertar en este instrumento el número de solicitud y la fecha de presentación de dicha solicitud de patente al ser notificada de la misma.

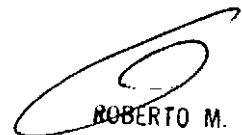
Y por medio de la presente convenimos y acordamos que, en cualquier momento, al solicitarse y a expensas del CESIONARIO, celebraremos y entregaremos todo documento que fuera necesario o deseable para perfeccionar el título de las anteriores invenciones y descubrimientos, solicitudes de patente, patentes, registros, confirmaciones, certificados de importación, re-otorgamientos, renovaciones, extensiones, certificados de re-examinación, y certificados de protección suplementaria a nombre del CESIONARIO, sus sucesores, cesionarios, u otros representantes legales, incluyendo la celebración y obtención de todo documento adicional el evidencie esta venta, cesión y transferencia según sea necesario o deseable para así registrar la misma ante la oficina de patentes u otro despacho de propiedad intelectual, agencia o similar de cualquier país o región, que nosotros, en cualquier momento, al solicitarse y a expensas del CESIONARIO, celebraremos cualquier solicitud de patente adicional, solicitud para registro y/o confirmación de una o más de dichas patentes, solicitudes para certificados de importación con base en una o más de dichas patentes, solicitudes de re-otorgamientos, renovaciones y extensiones de una o más de dichas patentes y certificados de protección suplementaria con base en una o más de dichas patentes, y que daremos todo juramento y declaración y realizaremos todo acto legal para obtener las mismas o para ayudar en las mismas, sin compensación adicional, pero a expensas del CESIONARIO, sus sucesores, cesionarios u otros representantes legales.

Esta Cesión entra en vigencia desde la fecha de prioridad más temprana según se estipuló anteriormente.

Firmado el día 8 de enero de 2010.

Novartis Vaccines and Diagnostics Inc.

(firma ilegible) L.S.
Lisa E. Alexander
Sub-Secretaria


ROBERTO M. OLARTE GARCIA
Traductor e Intérprete Oficial
Resolución No. 0041
Minijusticia 1996

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RECONOCIMIENTO GENERAL DE CALIFORNIA

Estado de California
Condado de Alameda

El 8 de enero de 2010 ante mi, Elissa M. Nash, Notario Público, compareció Lisa E. Alexander quien demostró con base en evidencia satisfactoria ser la persona cuyo nombre está suscrito en el instrumento adjunto y reconoció ante mi que ella suscribió el mismo bajo su calidad de persona autorizada, y que mediante su firma sobre el instrumento la persona o entidad por medio de la cual la persona actuó, firmó el instrumento.

Certifico so pena de condena por falso testimonio bajo las leyes del Estado de California que el anterior párrafo es verdadero y correcto.

En testimonio de lo cual, firmo y coloco el sello oficial.

Firma: (ilegible)

Sello: ELISSA M. NASH
Comisión No. 1868308
Notario Público – California
Condado de Alameda
Mi comisión vence el 16 de octubre de 2013



ROBERTO M. OLARTE GARCIA
Traductor e Intérprete Oficial
Resolución No. 0041
Minijusticia 1996

Copia Certificada

Yo, el suscrito Notario civil en Basilea, Suiza, Lic. Marius Meier, certifico por medio de la presente que el documento adjunto es una fotocopia fiel y auténtica del original.

Basilea, Suiza, el día 17 (diez y siete) de febrero de 2011 (dos mil once)

(firma ilegible)

M. Meier

Notario

Leg. Prot. Nr. (ilegible)/2010

ROBERTO M. OLARTE GARCIA

Traductor e Intérprete Oficial

Resolución No. 0041

Minijusticia 1996



Apostilla
(Convención de la Haya, del 5 de octubre de 1961)

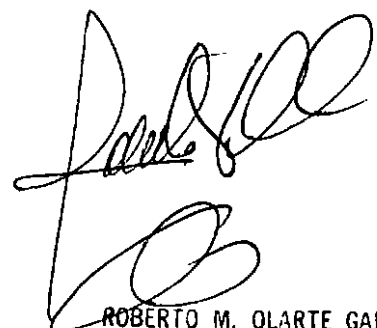
1. País: Suiza

Este documento público

2. ha sido firmado por M. Meier
3. actuando en calidad de Notario Público
4. lleva el sello del suscrito

CERTIFICA

5. en Basilea
6. el 18 FEB 2011
7. por el Cancillería de Estado del Cantón de Basilea
8. No. 1075/2380
9. Sello: (Cancillería de Estado – Ciudad de Basilea)
10. Firma: (ilegible)
Helena Schaffner



ROBERTO M. OLARTE GARCIA
Traductor e Intérprete Oficial
Resolución No. 0041
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Roberto Olarte

CON FIRMADO POR EL
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LAS FUNCIONES INDICADAS

Folleto del 37 al 40 folio

(joint)

Patent Case 52086

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ASSIGNMENT

For good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, we

Novartis Vaccines and Diagnostics Inc.
P.O. Box 8097
Emeryville, CA 94608
US

do hereby sell, assign and transfer to **Novartis AG**, a company organized under the laws of the Swiss Confederation, of Lichtstrasse 35, 4056 Basel, Switzerland, and its successors, assigns and legal representatives, all our right, title and interest for all countries of the world (Novartis AG hereinafter referred to as the "**ASSIGNEE**") in and to (1) all of our inventions and discoveries described in the patent application(s) entitled

Substituted Pyrazole and Triazole Compounds as KSP Inhibitors

and filed* in the United States Patent and Trademark Office on _____, 20____ and accorded Application Number _____ and/or filed in the RO/US on November 8, 2007, and accorded International Patent Application Number PCT/US07/084154, (2) said patent application(s), (3) all national stages of said international patent application, (4) all other patent applications in all countries and regions claiming the priority of the provisional patent application filed in the United States Patent and Trademark Office on November 13, 2006 and accorded Application Number 60/858964, (5) all continuations and divisions of all of said patent applications (including further continuations and divisions such as, but not limited to, continuations of continuations and continuations of divisions), ((2)-(5) hereinafter referred to collectively as "patent applications"), (6) all patents that are granted on any of said patent applications, (7) all registrations and confirmations of, and importation certificates based on, one or more of said patents and (8) all reissues, renewals and extensions of said patents, reexamination certificates issued for said patents and supplementary protection certificates based on said patents (including the right to file patent applications on said inventions and discoveries in the names of **ASSIGNEE**, their designees or in any or all of our names, at their election and in accordance with applicable law in all countries and regions and all rights of priority in all countries and regions for all of said patent applications under the International Convention for the Protection of Industrial Property, the Inter-American Convention relating to Inventions, Patents, Designs and Industrial Models and all other international agreements to which the United States now is or hereafter becomes a signatory), the same to be held and enjoyed by said **ASSIGNEE**, their successors, assigns and legal representatives, to the full ends of the terms for which all patents therefore may be granted, as fully and entirely as the same would have been held and enjoyed by us if this sale, assignment and transfer had not been made.