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Castillo Grau & Asociados

ABOGADOS

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

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 09-095008- -00003-0000

Fecha: 2009-12-29 12:56:58 Dep. 2020 DIR.NUEVASCR
Tra. 11 PATENTEIYII Eve: 378 FASENACIONALI
Act. 444 RESPUESTAREQUE Folios: 11

**Re.: Expediente No. 09 95.008
Fase nacional de Solicitud
de Patente PCT a nombre de
SYNTHES GmbH
Código 011 – 378 - 444**

En relación con la solicitud contenida en el expediente de la referencia y, en particular, para dar respuesta a su requerimiento contenido en el Oficio No. 14334, hecho dentro del mismo, dentro del término conferido, por medio del presente escrito me permito manifestarle:

1. Acompaño copia certificada del documento donde consta la cesión del derecho a la patente de los Inventores:

– Mark Siravo

– Glen Pierson

a favor de la sociedad Synthes (U.S.A.) debidamente firmado, autenticado por Notario Público y legalizado por Apostilla.

2. Acompaño copia certificada del documento donde consta la cesión del derecho a la patente de la sociedad Synthes (U.S.A.) a favor de la sociedad solicitante Synthes GmbH, debidamente firmado, autenticado por Notario Público y legalizado por Apostilla.

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

De Usted Atentamente,

GERMAN CASTILLO GRAU
T.P. No. 2.978 del C.S.J.

Apostille

(Convention de La Haye du 5 Octobre 1961)

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1. Country: **United States of America**

This public document

2. has been signed by **Norman Goodman**

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

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

Certified

5. At New York, New York 6. the 24th day of August 2009

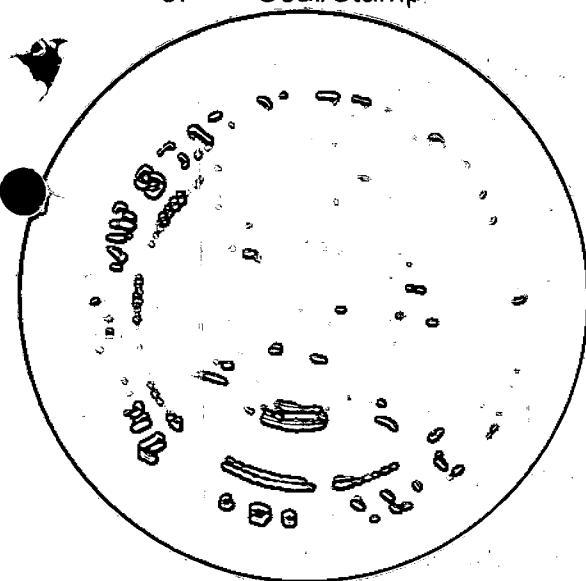
7. by Special Deputy Secretary of State, State of New York

8. No. NYC-10390902B

9. Seal/Stamp 10. Signature

James Bizzarri

James Bizzarri
Special Deputy Secretary of State



Apostille

(Convention de La Haye du 5 Octobre 1961)

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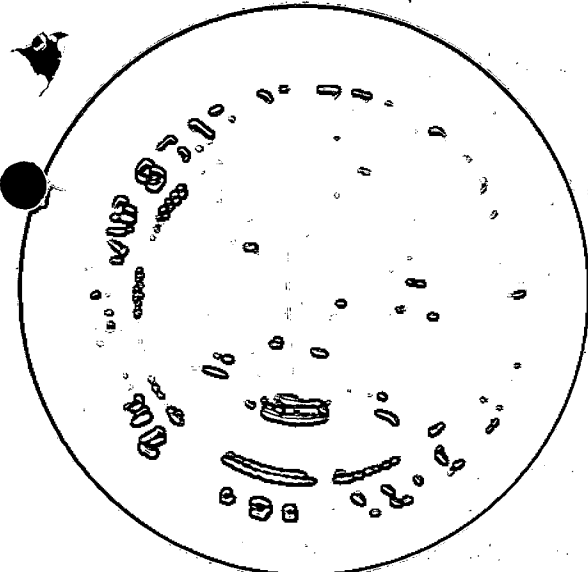
7. by Special Deputy Secretary of State, State of New York

8. No. NYC-10390902B

9. Seal/Stamp 10. Signature



James Bizzarri
Special Deputy Secretary of State



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

NEW YORK
COUNTY

726781 Form 1

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

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

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

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

AUG 24 2009

FEE PAID \$3.00

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

[Handwritten mark]

VERIFICATION

State of New York)

ss:

County of New York)

I verify that the attached document identified as:

Assignment

is a true copy of the document as executed on May 6, 2008 by **Mark SIRAVO** and on May 1, 2008 by **Glen PIERSON** to **Synthes (U.S.A.)** of United States and corresponding foreign rights in connection with **PCT Patent Application Serial No. PCT/US2008/060810** filed on **April 18, 2008.**

[Signature]

Yuliya Artsishevskaya

Subscribed and sworn to before me this 10 day of August of 2009.

[Signature]

Notary Public

JEFFREY GOLKIN
NOTARY PUBLIC State of New York
No. 42604835333
Qualified in New York County
Commission Expires February 14, 2009 *10*

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ASSIGNMENT

WHEREAS, **Synthes (U.S.A.)**, ASSIGNOR, a Pennsylvania General Partnership organized under the laws of the Commonwealth of Pennsylvania and having a place of business at 1302 Wrights Lane East, West Chester, PA 19380, has all right, title and interest in PCT Application Serial No. **PCT/US2008/060810**, which was filed with the U.S. Patent and Trademark Office as Receiving Office on **April 18, 2008**, entitled **IMPLANT DEVICES CONSTRUCTED WITH METALLIC AND POLYMERIC COMPONENTS** and all inventions described, disclosed or claimed therein (hereinafter "the Invention"), which is identified by Fay Kaplun & Marcin, LLP Attorney Docket No. 10139/14902 (00727-08PPCT1), and which claims priority to U.S. Provisional Patent Application Serial No. **60/914,482**, filed on **April 27, 2007**,

AND WHEREAS, **Synthes GmbH**, ASSIGNEE, a Swiss Company organized under the laws of Switzerland and having a place of business at Eimattstrasse 3, CH-4436 Oberdorf, Switzerland, is desirous of obtaining the entire right, title and interest to and under the Invention, including the right to bring an action and recover damages for past infringements, if any, in all geographic locations except the United States and its possessions and territories, Canada and its possessions and territories, the Bahamas, and Bermuda (hereinafter "the Excluded Geographic Locations").

AND WHEREAS, ASSIGNOR, is desirous of assigning its entire right, title and interest to the Invention in all geographic locations except the Excluded Geographic Locations to the ASSIGNEE, including the right to bring an action and recover damages for past infringement, if any.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the said ASSIGNOR, has sold, assigned, transferred and set over, and does hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, all ASSIGNOR'S rights, title and interest in the Invention in all geographic locations except the Excluded Geographic Locations including the right to bring an action and recover damages for past infringement, if any; and all rights, title and interest in any corresponding patent applications and all divisions, renewals and continuations thereof, and all Patents which may be granted thereon and all reissues and extensions thereof; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for the Invention in all geographic locations except the Excluded Geographic Locations, and all extensions, renewals and reissues thereof.

AND ASSIGNOR HEREBY authorizes and requests said ASSIGNEE, its successors, legal representatives, or assigns to insert hereinafter when known the application number and filing date of any international, regional, or national application already filed or filed hereafter for the Invention.

Country: _____ Application No. _____ Filing Date _____

NOW, THEREFORE, ASSIGNEE shall obtain all said rights, title and interest in the Invention in all geographic locations except the Excluded Geographic Locations.

AND ASSIGNOR HEREBY covenants and agrees that it has not executed, and will not execute, any agreement in conflict herewith.

AND ASSIGNOR HEREBY further covenants and agrees that it will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to it respecting the Invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for the Invention in all geographic locations except the Excluded Geographic Locations.

AND ASSIGNOR HEREBY further covenants and agrees that it has read this Assignment, knows and understands its contents, and comprehends and agrees to all of its terms, conditions and meanings and their significance.

IN TESTIMONY WHEREOF, the person executing this Assignment in a representative capacity on behalf of the ASSIGNOR warrants that he is fully authorized and empowered to do so and signs his name on the date indicated below.

ASSIGNOR: Synthes (U.S.A.)

David J. Klann Authorized to sign on behalf of Synthes (U.S.A.)

Signature:

Position/Title:

Patent Counsel

Address:

1302 Wrights Lane East
West Chester, Pennsylvania 19380

Date:

May 6, 2008

Commonwealth of Pennsylvania)

) SS:

County of Chester)

On May 6, 2008, before me, Carrie A. McPherson Notary Public, personally appeared David J. Klann, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Carrie A. McPherson, Notary Public
West Chester Boro, Chester County
My Commission Expires Jan. 27, 2010
Member, Pennsylvania Association of Notaries

ASSIGNEE: Synthes GmbH

David J. Klann Authorized to sign on behalf of Synthes GmbH

Signature:

Position/Title:

Patent Counsel

Address:

Eimattstrasse 3
CH-4436 Oberdorf
Switzerland

Date:

May 6, 2008

Commonwealth of Pennsylvania)

) SS:

County of Chester)

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WITNESS my hand and official seal

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Carrie A. McPherson, Notary Public
West Chester Boro, Chester County
My Commission Expires Jan. 27, 2010
Member, Pennsylvania Association of Notaries

Apostille

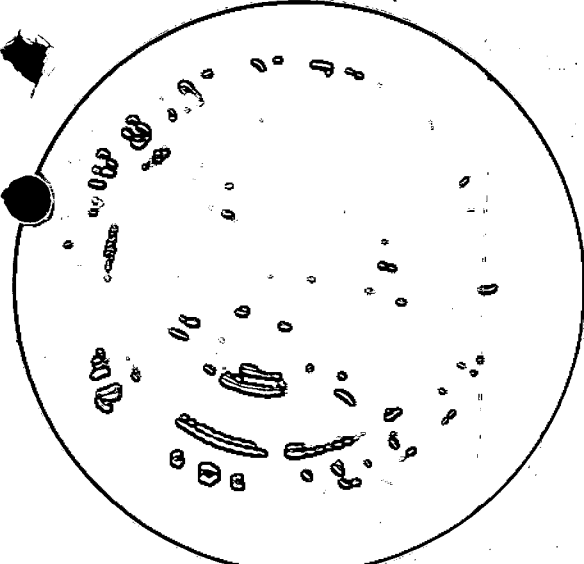
(Convention de La Haye du 5 Octobre 1961)

47
✱

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

Certified

5. At New York, New York
6. the 24th day of August 2009
7. by Special Deputy Secretary of State, State of New York
8. No. NYC-10390903B
9. Seal/Stamp
10. Signature



James Bizzarri

James Bizzarri
Special Deputy Secretary of State

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

NEW YORK
COUNTY

726782 Form 1

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

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

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

AUG 24 2009

FEE PAID \$3.00

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

VERIFICATION

State of New York)

ss:

County of New York)

I verify that the attached document identified as:

Assignment

is a true copy of the document as executed on May 6, 2008 by **Synthes (U.S.A.)** to **Synthes GmbH** in all geographic locations, except Canada and Unites States of America, in connection with **PCT Patent Application Serial No. PCT/US2008/060810** filed on **April 18, 2008**.

Yuliya Artsisheuskaya

COUNTY
CLERK

Subscribed and sworn to before me this 24 day of August of 2009.

Notary Public

JEFFREY GOLKIN
NOTARY PUBLIC State of New York
No. 026104835333
Qualified in New York County
Commission Expires February 14, 2008

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DA

ASSIGNMENT

WHEREAS, WE/I, Mark SIRAVO, citizens of United States of America, residing at 2917 Sunset Avenue, Norristown, PA 19403; and Glen PIERSON, citizen of United States of America, residing at 201 Mapleflower Road, Glenmoore, PA 19343, ASSIGNOR(S), are/am the inventor(s) of the invention disclosed, described and/or claimed in an application which was filed on **April 18, 2008**, as PCT Application No. **PCT/US2008/060810**, entitled **IMPLANT DEVICES CONSTRUCTED WITH METALLIC AND POLYMERIC COMPONENTS** and all inventions described, disclosed or claimed therein (hereinafter "the Invention"), which is identified by Fay Kaplun & Marcin, LLP Attorney Docket No. 10139/14902(00727-08PPCT1), and which claims priority to U.S. Provisional Patent Application Serial No. **60/914,482**, filed on **April 27, 2007**,

AND WHEREAS, **SYNTHES (U.S.A.)**, ASSIGNEE, a Pennsylvania General Partnership organized under the laws of the Commonwealth of Pennsylvania and having a place of business at 1302 Wrights Lane East, West Chester, PA 19380, is desirous of obtaining our entire right, title and interest in, to and under all the invention(s) as described, disclosed and/or claimed in the above-identified application:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the Invention, and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for the Invention in any country, together with the right to file such applications and the right to claim for the same the priority rights derived from the application under the International Convention for the Protection of Industrial Property, the Patent Laws of the United States or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for the Invention in any country and all extensions, renewals and reissues thereof; including all applications for industrial property, all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof.

AND WE HEREBY authorize and request said ASSIGNEE, its successors, legal representatives, or assigns to insert hereinafter when known the application number and filing date of any international, regional, or national application already filed or filed hereafter for the Invention.

Country: _____ Application No. _____ Filing Date _____

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

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

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting the Invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for the Invention in all countries.

IN TESTIMONY WHEREOF, We have hereunto signed our names on the date(s) indicated opposite our respective signatures.

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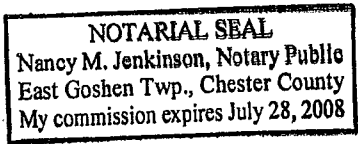
Date: 5/6/08

Mark Siravo L.S.
Mark SIRAVO

State of Pennsylvania)
County of Chester) SS:

On 5/6/08, before me Nancy Jenkinson, Notary Public, personally appeared Mark Siravo, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal



Nancy M. Jenkinson

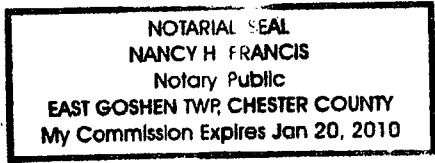
Date: 5-1-08

X Glen Pierson L.S.
Glen PIERSON

State of PA)
County of Chester) SS:

On 5/1/08, before me Nancy Francis, Notary Public, personally appeared Glen Pierson, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal



Nancy Francis

ASSIGNEE: Synthes (U.S.A.)

David J. Klann Authorized to sign on behalf of Synthes (U.S.A.)

Signature:

Position/Title: Patent Counsel

Address: 1302 Wrights Lane East
West Chester, Pennsylvania 19380

Date:

May 6, 2008

Commonwealth of Pennsylvania)

) SS:

County of Chester)

On May 6, 2008 before me, Carrie A. McPherson Notary Public, personally appeared David J. Klann, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Carrie A. McPherson

