

Señor Director
DIRECCION DE NUEVAS CREACIONES
Superintendencia de Industria y Comercio
E. S. D.

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 15-312328- -00004-0000

Fecha: 2016-06-14 16:05:08 Dep. 2020 DIR.NUEVASCR
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Act. 444 RESPUESTAREQUE Folios: 6

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AD

Trámite : 011 Evento : 378 Actuación : 444

Referencia : Expediente No. 15-312328
Asunto : Solicitud de patente para TRANSPORTE URBANO ELEVADO
PERSONALIZADO
Solicitante : ZAMORANO MORFIN, LUIS RODOLFO

RESPUESTA A EXAMEN PRELIMINAR

ANDRÉS RINCÓN USCÁTEGUI, identificado como aparece al pie de mi firma, en mi condición de apoderado del solicitante de la patente de la referencia, doy respuesta dentro de la prórroga solicitada al Oficio 1177, notificado por fijación en lista el 16 de febrero de 2016.

I. MODIFICACIONES AL PLIEGO REIVINDICATORIO

Con el fin de atender las observaciones realizadas por el examinador de manera preliminar al examen de patentabilidad, el solicitante decide aportar un nuevo capítulo reivindicatorio conformado por 11 reivindicaciones.

A pesar de eliminar materia del pliego reivindicatorio originalmente presentado, mi representada no renuncia a la protección que pueda obtener sobre dicha materia y se reserva el derecho de presentar una solicitud divisional que la contenga durante el trámite de la presente solicitud.

II. EN CUANTO A LAS OBJECIONES DE SUPUESTA FALTA DE CLARIDAD

La solicitante desea manifestar que con las modificaciones efectuadas al capítulo reivindicatorio, considera superadas las objeciones del examinador en este punto; así mismo desea poner de presente que durante el trámite de la Fase Internacional de la correspondiente solicitud PCT, la autoridad internacional de búsqueda emitió una opinión escrita favorable sobre la solicitud tal y como fue presentada, de tal manera que no considera que exista fundamento para objetar la novedad ni el nivel inventivo de la patente solicitada.

"EXCELENCIA LEGAL EN UN MUNDO SIN FRONTERAS"

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II. EN CUANTO AL PAGO DE TASAS

Se acompaña el respectivo recibo oficial que acredita el pago de la tasa por concepto de una reivindicación adicional a las primeras 10.

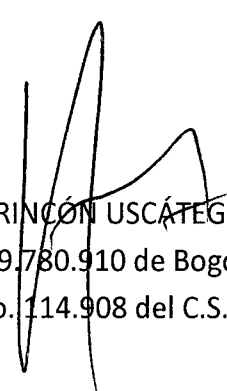
IV. PETICIÓN

Teniendo en cuenta que la presente solicitud cumple con los requisitos de los artículos 26 y 27 de la Decisión 486 de 2000 y considerando que se ha dado respuesta a las observaciones de la Dirección de Nuevas Creaciones con respecto a otros aspectos que tienen que ver con la patentabilidad de la invención, solicito a su Despacho continuar con el trámite administrativo correspondiente.

V. ANEXOS

1. Recibo de pago por el valor de la tasa correspondiente a 1 reivindicación
2. Nuevo capítulo reivindicatorio conformado por 11 reivindicaciones
3. Copia de la Opinión escrita emitida en el trámite de la Fase Internacional de la correspondiente solicitud PCT

Señor Director,



ANDRÉS RINCÓN USCÁTEGUI
C.C. No. 79.780.910 de Bogotá
T.P.A. No. 114.908 del C.S.J.

REIVINDICACIONES MODIFICADAS

1. Un sistema de transporte urbano elevado para pasajeros, del tipo que consiste en una pluralidad de cabinas autónomas de pasajeros transportadas sobre tubos, caracterizado porque comprende:

una infraestructura compuesta por dos tubos horizontales o inclinados paralelos que forman parte de una estructura tubular compuesta con una sección transversal triangular, con un tercer tubo superior también paralelo, mediante montantes inclinados perpendiculares y arriostras diagonales; dicha estructura compuesta, va soportada en forma elevada del piso mediante postes a distancias predeterminadas;

los postes están rematados por una estructura triangular, que soporta en sus vértices laterales, cables de acero estáticos para los dos sentidos de viaje, del sistema de transporte; de cada uno de los postes bajan ganchos colgantes de longitud variable que sostienen ambas pistas tubulares principales; la pista tubular principal, es sostenida por los ganchos colgantes en la parte inferior de tal forma que el lado contrario de la pista quede libre para la circulación de las cabinas;

elementos desviadores que forman parte de las pistas tubulares principales son flexibles horizontalmente; los cuales son operados mediante actuadores eléctricos o hidráulicos o neumáticos, ante la solicitud del sistema de control;

el sistema comprende además:

i. unas estaciones para pasajeros, tanto terminales, como intermedias, dichas estaciones están equipadas con escaleras y elevadores;

ii. unas cabinas para pasajeros de dos o máximo tres plazas, que son autónomas en cuanto a su medio de tracción y control; las cabinas se encuentran equipadas con asientos y puertas frontales giratorias o una puerta levadiza frontal; un colgante estructural que las conecta desde un marco metálico del refuerzo de las cabinas con la caja de la o las poleas tractoras que se

desplazan sobre la parte superior de las pistas tubulares de la infraestructura; dentro de la caja referida van colocadas las poleas tractoras que van acopladas a los motores eléctricos en forma directa o mediante reductores de velocidad, que toman la alimentación de potencia mediante unos troles que van en contacto mediante escobillas eléctricas con cables desnudos que corren colgados de aisladores eléctricos en la parte inferior de los tubos pista, o por baterías;

iii. un sistema de suministro de energía mediante subestaciones eléctricas, para los troles de los motores eléctricos autónomos de las cabinas;

iv. un sistema de control y automatización de las cabinas que contienen los drivers controladores de los servomotores, un controlador lógico programable (PLC), una unidad terminal remota (RTU), sensores y botones de mando;

v. un sistema de sensores en la pista tubular y en cada cabina;

vi. un sistema de control maestro, alimentado por un sistema de adquisición de datos tipo SCADA.

2. El sistema de transporte urbano elevado para pasajeros de conformidad con la reivindicación 1, caracterizado porque las cabinas comprenden además una o dos poleas motrices y uno o dos motores eléctricos.

3. El sistema de transporte urbano elevado para pasajeros de conformidad con la reivindicación 1, caracterizado porque las estaciones incluyen mecanismos para hacer girar las cabinas 90°.

4. El sistema de transporte urbano elevado para pasajeros de conformidad con la reivindicación 3, caracterizado porque el mecanismo para hacer girar las cabinas 90° consiste en una rótula colocada en la parte inferior del soporte colgante de la cabina.

5. El sistema de transporte urbano elevado para pasajeros de conformidad con la reivindicación 1, caracterizado porque la pista tubular principal lleva en su lomo superior una barra estabilizadora.

6. El sistema de transporte urbano elevado para pasajeros de conformidad con la reivindicación 1, caracterizado porque, los elementos desviadores son operados mediante actuadores eléctricos o hidráulicos o neumáticos ante la solicitud del sistema de control.

7. El sistema de transporte urbano elevado para pasajeros de conformidad con la reivindicación 1, caracterizado porque las cabinas tienen un sistema de apertura y cierre de puertas bien sean abatible o levadizas y además contienen un panel de comandos mediante botones que permiten establecer temporalmente el destino y un sistema de control tipo posicionamiento que mediante un sistema inalámbrico tipo Wi-Fi y uno de fibra óptica, establece la comunicación con el sistema de control de las estaciones.

8. El sistema de transporte urbano elevado para pasajeros de conformidad con la reivindicación 1, caracterizado porque el sistema de suministro de energía también alimenta la energía de las estaciones y los sistemas de control por medio de tableros de distribución y protección.

9. El sistema de transporte urbano elevado para pasajeros de conformidad con la reivindicación 1, caracterizado porque las señales inalámbricas son de tipo Wi-Fi y alámbricas mediante cable de fibra óptica.

10. El sistema de transporte urbano elevado para pasajeros de conformidad con la reivindicación 1, caracterizado porque el sistema maestro de control y automatización actúa para sacar de la circulación cabinas vacías que no

tienen demanda o para mantenimiento .

11. El sistema de transporte urbano elevado para pasajeros de conformidad con la reivindicación 1, caracterizado porque el sistema maestro de control actúa para la reinserción de las cabinas al sistema cuando se incrementa la demanda del transporte.

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To: Francisco Javier Uthoff Orive
Hamburgo No. 260
Col. Juarez C.P. 06600
Distrito Federal
Mexico

Date of mailing
(day/month/year) 08 JUN 2015

Applicant's or agent's file reference

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/MX14/00206

International filing date (day/month/year)

16 December 2014 (16.12.2014)

Priority date (day/month/year)

18 December 2013 (18.12.2013)

International Patent Classification (IPC) or both national classification and IPC

IPC(8) - E01B 25/22 (2015.01)

CPC - E01B 25/22

Applicant

Luis Rodolfo Zamorano Morfin

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 and 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 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.

Name and mailing address of the ISA/
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450, Alexandria, Virginia 22313-1450
Facsimile No. 571-273-8300

Date of completion of this opinion

08 May 2015 (08.05.2015)

Authorized officer

Shane Thomas

PCT Helpdesk: 571-272-4300
PCT OSP: 571-272-7774

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/MX14/00206

Box No. I Basis of this 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, this opinion has been established on the basis of a sequence listing:

- a. ☐ forming part of the international application as filed:
☐ in the form of an Annex C/ST.25 text file.
☐ on paper or in the form of an image file.
b. ☐ furnished together with the international application under PCT Rule 13ter.1(a) for the purposes of international search only in the form of an Annex C/ST.25 text file.
c. ☐ furnished subsequent to the international filing date for the purposes of international search only:
☐ in the form of an Annex C/ST.25 text file (Rule 13ter.1(a)).
☐ on paper or in the form of an image file (Rule 13ter.1(b) and Administrative Instructions, Section 713).

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that forming part of the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/MX14/00206

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-12	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-11	YES
	Claims	12	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims	NONE	NO

2. Citations and explanations:

Claim 12 lacks an inventive step under PCT Article 33(3) as being obvious over US 3,890,904 A (EDWARDS).

As per claim 12, Edwards discloses an overhead urban transport system (elevated railway system; figure 3; column 10, lines 5-10) for passengers of the type (standing and seated passengers; column 6, lines 30-35) consisting of a plurality of autonomous passenger cabins (cars C; figure 3) transported on tubes (upper chord 33 and crossbars 13 are tubular; figures 4, 6; column 11, lines 10-30), characterized by comprising a metal structure (steel rails; column 7, lines 55-60) of triangular section (as shown; figure 4) formed by two lower rails (lower rails R1; figure 5) and one upper horizontal tube (33; figures 4, 6), connected together by evenly spaced inclined struts and diagonal metal straps that provide higher stiffness to the structural system (webs of the beam 1, could consist of webs plus stiffeners or classical truss-like elements or a lattice of diagonal elements achieving the same result with suitable stiffeners; column 7, lines 40-45); said composite structure acts as a girder between support gaps (plurality of basic beams or girder modules 1A between gaps 203; figures 1, 19; column 10, lines 60-68) and is elevated above the floor or roads in cities (elevated railway system supported at spaced intervals along the length by columns or pylons 17; figure 1; column 10, lines 5-15), so that the transport system is installed at a safe height from traffic vehicles, trees and other obstacles of certain height in cities (bottom of the car must be at least high enough above street intersections to clear trucks and buses, above street level; column 5, lines 5-15); besides serving as a structural girder (plurality of beams or girder modules 1A; figures 1, 19; column 10, lines 60-68), the lower metal rails (lower steel rails R1; figure 5; column 7, lines 55-60) serves as a bidirectional track for the passenger cabins (cars C; figure 3) to travel along the back thereof (cars have traffic-carrying capacity on the two opposing lines; column 15, lines 40-50), thus offering a continuous track (beam 1 for a continuous length of the system; column 10, lines 60-65), with sufficient rigidity and unobstructed on one side (two way traffic allowing cars on the opposing lines never occupy the same point in space; column 15, lines 40-45), that connects to the different stations of the transportation system (beam ICC' progressively increases from station S1 to station S2; figures 11, 13; column 15, lines 5-15) and able to withstand its own weight (gravity load of the beams and rails; column 7, lines 30-35), plus the weight of the cabins and passengers (loads of standing and seated passengers; column 6, lines 30-35), the dynamic load, wind load and the load of any earthquakes that may occur (sufficient transverse moment-resisting capability to account for lateral loads due to winds, earthquakes; column 9, lines 35-40); the triangular section of tubes and studs (beam 1 in the form of a hollow triangle including tubular upper chord member 33, opposite sides 15 and base 13; figures 3-5, 10; column 10, lines 35-40, column 11, lines 25-30) is raised above the natural ground of floor by structural columns and towers (elevated railway system supported at spaced intervals along the length by columns or pylons 17, bottom of the car is high enough above street intersections and street level; figure 1; column 10, lines 5-15). Although Edwards does not disclose wherein the two lower rails comprise tubes, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to duplicate Edwards' tubular chord 33 for installation at each rail R1 because the use of tubular members at each corner is commonly known in elevated track structures due to the superior load distribution of large diameter pipes.

Continued Within the Next Supplemental Box.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/MX14/00206

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 1 is objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claim 1 is indefinite for the following reason(s): Claim 1 refers to "the hooks" in line 25 and "the hanging hooks" in lines 28-29. There is lack of antecedent basis for these limitations in the claim.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/MX14/00206

Supplemental Box

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

Continuation of:

-Continued from Box V: Citations and Explanations-

Claim 1 meets the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a structural pendant connecting them from a metal frame of the cabins reinforcement with the case of traction pulley(s) which run on top of the tubular tracks of the infrastructure; inside said case are placed the traction sheaves that are coupled to electric motors directly or by way of speed reducers which receive power supply by means of trolleys contacting through electrical brushes bare wires running hanged from electrical insulators at the bottom of the track tubes, or batteries iii. a system of energy supply by electric substations, properly distributed over the transport line to feed through power cables the bare wires for the trolleys of the autonomous electric motors of the cabins; iv. a cabin control and automation system containing the drivers of the servo controllers; v. a sensor system on the tubular track and in each cabin, so that from the PLC of each station the operation signal is sent to the electric actuators of the track diverters, in order to bring said particular cabin to a station and vice versa via a second diverter, from the station back to the main tubular track. Edwards discloses an overhead urban transport system (elevated railway system; figure 3; column 10, lines 5-10) for passengers of the type (standing and seated passengers; column 6, lines 30-35) consisting of a plurality of autonomous passenger cabins (cars C; figure 3) transported on rails (rails R1 and R2; figure 4), characterized by comprising: an infrastructure comprising two horizontal or inclined parallel rails (lower rails R1 are shown horizontally; figure 5) forming part of a composite tubular structure with a triangular cross section (beam 1 is generally in the form of a hollow triangle; figure 4; column 10, lines 35-40), with a likewise parallel third upper rail (upper rail R2; figure 3) by perpendicular inclined upright poles (opposing sides 15; figure 4) and diagonal braces to give greater rigidity (webs of the beam 1, could consist of webs plus stiffeners or classical truss-like elements or a lattice of diagonal elements achieving the same result with suitable stiffeners; column 7, lines 40-45); said composite structure is supported high on the floor by poles at predetermined distances (elevated railway system supported at spaced intervals along the length by columns or pylons 17; figure 1; column 10, lines 5-15) according to the particular conditions of the installation terrain and to the height requirements needed to rid obstacles in cities (bottom of the car must be at least high enough above street intersections to clear trucks and buses, above street level; column 5, lines 5-15); the system further comprises: i. passenger stations (S1-S6, 175; figure 17; column 15, lines 5-35), both terminal (beam ICC' terminates at station S1; column 15, lines 1-10) and intermediate (S2, S3, S4; column 15, lines 15-25), which aim to provide the means by which users can access the overhead transport system (passengers board and de-board from the station platform; column 16, lines 15-20), said stations are equipped with elevators (elevator 171 will be at platform level; figures 3, 17; column 16, lines 15-20); ii. passenger cabins of two or maximum three places, which are autonomous in terms of their traction and control means (cars C have two outriggers on each car, maintaining the desired rotational position of the car relative to the beam, outrigger vector on a gentle slope causes wheel loads to slope thereby improving traction for propulsion and braking; column 3, lines 40-45; column 4, lines 35-40); the cabins are equipped with seats (cars C has some twenty seats; column 6, lines 25-30). US 4,690,064 A (OWEN) discloses stations are equipped with escalators (elevated boarding stations of the transit system are equipped with escalators; column 8, lines 20-30). US RE15,338 (MCCELLEN), discloses the cabins are equipped with swivel front doors or a front liftgate (rotating doors or turnstiles are provided within the car adjacent the entrance openings 11; figure 2; page 2, lines 70-75). US 2008/0154451 A1 (DIBBLE) discloses iv. a cabin control and automation system containing programmable logic controller (PLC) (PLC, 42; paragraph [0052]), a remote terminal unit (RTU) (control center 48 may be remotely located from the drive stations 30; paragraph [0037]), sensors and control buttons, which through wired (hard wire, fiber optics; paragraph [0037]) and wireless signals and radio (radio wave transmissions; paragraph [0037]) establish communication with the PLC of the passenger stations and these in turn with the PLC of the master control system, according to the programming frequencies (communications from drive station to drive station to the control center may employ hard wire, optical fiber and radio wave transmissions; paragraph [0037]); v. a sensor system on the track (sensors 34, 38, sensor pairs 34P positioned proximate the track; paragraph [0035]) which allows to detect the temporary destination set thereof (sensors 34, 38 with controller processing signals transmitting a command signal regarding the speed and presence of the train 14; paragraph [0036]); vi. a master control system powered by a SCADA type data acquisition system (system 10 may use a Supervisory Control and Data Acquisition (SCADA) system for control of the drive stations; paragraph [0051]), which allows to know at all times and in real time the relative position of each cabin in relation to the entire system (drive stations 30 include a first sensor 34 provides indication of a position and speed of the train 14, a second sensor 38 confirms a presence of the train 14; figure 4; paragraph [0035]), to allow correction of distances between cabins (small adjustments to the train speed are made to adjust train spacing; paragraph [0054]), starts (start signal is initiated based on the train length; paragraph [0040]) and stops (a stop command is transmitted to the first drive station; paragraph [0040]), accelerations (acceleration command signal is transmitted from the first drive station (DS1) to the second drive station (DS2) by fast accelerate 64; paragraph [0040]) and decelerations of the engines (a stop command is transmitted to the first drive station for fast decelerating 66 the drive tire 32; paragraph [0040]), both on the main track (track 12; figure 1) and in the tubular stations (system provides communications between one drive station to cooperating drive stations; paragraph [0013]). Nonetheless, it would not have been obvious to one of ordinary skill in the art to modify Edwards, Owen, McClellan and Dibble to produce the claimed structure because the references of record fail to disclose all of the recited elements.

Claims 2-11 meets the criteria set out in PCT Article 33(2)-(3), because of direct or indirect dependency on claim 1.

Claims 1-12 have industrial applicability as defined by PCT Article 33(4) because the subject matter can be made or used in industry.

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

NIT : 800.176.089-2

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RECIBO DE CAJA

No. 16 - 0059070

Bogotá D.C., Junio 14 de 2016 - 08:12:28

RECIBIDO DE : CAVELIER ABOGADOS

NI 860.041.367

RE

*** Soporte del Pago ***

TIPO PAGO	BANCO	CUENTA	No. PAGO	FECHA PAGO	VR PAGO
RECIBO DE CA	SIC ** RECIBO **	999999999	56486	08/06/2016	143.000.00
RECIBO DE CA	SIC ** RECIBO **	999999999	58082	10/06/2016	2.200.00
RECIBO DE CA	SIC ** RECIBO **	999999999	58083	10/06/2016	2.200.00

*** Conceptos Pagados ***

CANT. RENTISTICO	CONCEPTO	Vr.UNDITARIO	Vr.CONCEPTO
1 50005-01-01 SOLICITUDES	1607 REIVINDICACION PATENTE UNITARIA ADICIONAL A LAS 10 INICIALES	40.000.00	40.000.00
			\$40.000.00
			=====

SON: **CUARENTA MIL PESOS MONEDA CORRIENTE***

Responsable: _____

Recibo de Caja Aplicado al Expediente No. _____

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO



No. 15-312328- -00004-0000

Fecha: 2016-06-14 16:05:08 Dep. 2020 DIR.NUEVASCR
Tra. 11 PATENTEIYII Eve: 378 FASENACIONALI
Act. 444 RESPUESTAREQUE Folios: 6

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0010-08974-841-001-9

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Junio 14 de 2016 - 08:12:28