
De: info@cientifica.com.co
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Evento: 378 FASENACIONALI
Folios 1

Trámite: 11 PATENTEIYII
Actuación: 444 RESPUESTAREQUE

Estimados señores.

Adjuntamos Respuesta al Auto de la referencia.

Saludos Cordiales

Científica SAS.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 23, 2014

PTAS

STERNE, KESSLER, GOLDSTEIN & FOX
P.L.L.C
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

502821284

UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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BRIEF: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

DOCKET NUMBER: 3157.0080001

ASSIGNOR:

CANO, ESTEBAN VARGAS

DOC DATE: 05/21/2014

ASSIGNOR:

LOPEZ, LUIS FERNANDO ECHEVERRI

DOC DATE: 05/21/2014

ASSIGNOR:

ROMERO, JUAN FERNANDO GIL

DOC DATE: 05/21/2014

ASSIGNOR:

GARCES, EDWIN ANDRES CORREA

DOC DATE: 05/21/2014

ASSIGNOR:

PORRAS, SANDRA PATRICIA ZAPATA

DOC DATE: 05/21/2014

ASSIGNEE:

ECOFLOA S.A.S.
CALLE 80 SUR # 47 D 65
URBANIZACION INDUSTRIAL LA HOLANDA,
INT 103
SABANETA, ANTIOQUIA, COLOMBIA

APPLICATION NUMBER: 61836072

FILING DATE: 06/17/2013

PATENT NUMBER:

ISSUE DATE:

TITLE: COLORANT COMPOUNDS DERIVED FROM GENIPIN OR GENIPIN CONTAINING
MATERIALS

ASSIGNMENT RECORDATION BRANCH
PUBLIC RECORDS DIVISION

ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned inventors: **Esteban Vargas CANO, Luis Fernando Echeverri LOPEZ, Juan Fernando Gil ROMERO, Edwin Andrés Correa GARCÉS, and Sandra Patricia Zapata PORRAS** hereby sell and assign to **ECOFLORES S.A.S.**, a corporation formed under the laws of COLOMBIA, whose mailing address is Calle 80 sur # 47 D 65, Urbanización Industrial La Holanda, Int 103 Sabaneta, Antioquia Colombia (hereafter referred to as the Assignee), his/her entire right, title and interest, including the right to sue for past infringement and to collect for all past, present and future damages, for the United States of America (as defined in 35 U.S.C. § 100) and throughout the world,

(a) in the invention(s) known as **Colorant Compounds Derived From Genipin or Genipin Containing Materials** for which a provisional application for patent in the United States of America was filed on June 17, 2013 (also known as United States Application No. 61/836,072), in any and all non-provisional applications therefrom, in any and all Letters Patent(s) granted from such non-provisional applications, and

(b) in any and all applications that claim the benefit of the patent application listed above in part (a), including non-provisional applications, continuing (continuation, divisional, or continuation-in-part) applications, reissues, extensions, renewals and reexaminations of the patent application or Letters Patent therefor listed above in part (a), to the full extent of the term or terms for which Letters Patents issue, and

(c) in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual and industrial property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals and reexaminations of such patent application, including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;

all such rights, title and interest to be held and enjoyed by the above-named Assignee, its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by the Assignor had this assignment and sale not been made.

The undersigned inventors agree to execute all papers necessary in connection with the application(s) and any non-provisional, continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate

assignments in connection with such application(s) as the Assignee may deem necessary or expedient.

The undersigned inventors agree to execute all papers necessary in connection with any interference or patent enforcement action (judicial or otherwise) related to the application(s) or any non-provisional, continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application(s) thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or patent enforcement action.

The undersigned inventors hereby represent that he/she has full right to convey the entire interest herein assigned, and that he/she has not executed, and will not execute, any agreement in conflict therewith.

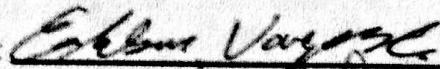
The undersigned inventors hereby grant the patent practitioners associated with **CUSTOMER NUMBER 26111** the power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

The undersigned inventors hereby represent that he/she understands that the patent practitioners associated with **CUSTOMER NUMBER 26111** are the legal representatives of, and attorneys for, the assignee, and are NOT the legal representatives of, and attorneys for, the inventors.

IN WITNESS WHEREOF, executed by the undersigned inventors on the date opposite his/her name.

Date: 21-05-2014

Signature of Inventor:


Esteban Vargas GANO

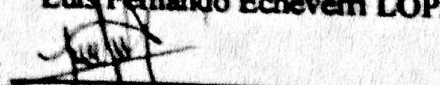
Date: 21-05-2014

Signature of Inventor:


Luis Fernando Echeverri LOPEZ

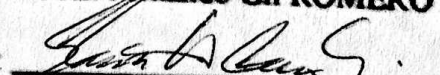
Date: 21-05-2014

Signature of Inventor:


Juan Fernando Gil ROMERO

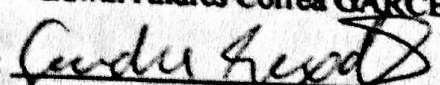
Date: 21-05-2014

Signature of Inventor:


Edwin Andrés Correa GARCÉS

Date: 21-05-2014

Signature of Inventor:


Sandra Patricia Aspata PORRAS

Cesión

En consideración de la suma de un dólar (\$ 1.00) o equivalente y otra bien y oneroso pagada a cada uno de los inventores que suscriben : Esteban Vargas CANO , Luis Fernando Echeverri LOPEZ , Juan Fernando Gil ROMERO , Edwin Andrés Correa Garcés, y Sandra Patricia Zapata PORRAS presente se venden y asignan a ECOFLORA S.A.S. , una corporación formada bajo las leyes de COLOMBIA , cuya dirección postal es la Calle 80 sur # 47 D 65 , Urbanización Industrial La Holanda , Int 103 Sabaneta Colombia(En lo sucesivo, el cesionario), su / su totalidad los derechos, títulos e intereses, incluyendo el derecho a la demandar por infracción pasada y recoger todos los daños pasados , presentes y futuros, para los Estados Unidos de América (como se define en 35 USC § 100) y en todo el mundo, (A) en la invención (s) conocida como Colorante compuestos derivados de genipina o genipín Contiene materiales para los que una solicitud provisional de patente en los Estados Unidos de América fue presentada el 17 de junio de 2013 (también conocida como Reino Estados Solicitud N° 61 / 836.072), en cualquiera y todas las aplicaciones que no sean provisionales de la misma, en todas y cada una Carta de Patente (s) concedida por esa falta de provisional aplicaciones, y (B) en cualquier y todas las aplicaciones que demandan el beneficio de la solicitud de patente enumerados por encima de la parte (a), incluyendo aplicaciones que no sean provisionales, continuando (continuación, divisional o de continuación en parte) aplicaciones, reediciones, ampliaciones, renovaciones y nuevos exámenes de la solicitud de patente o letras de patente para el mismo aparece por encima de la parte (a), en toda la extensión del término o términos de qué letras cuestión Patentes y (C) de cualquier y todas las invenciones descritas en la solicitud de patente mencionadas anteriormente en la parte (a), y en cualquiera y todas las formas de protección de la propiedad intelectual e industrial derivable de tal solicitud de patente, y que son derivables de cualquier y toda la aplicación continua, reediciones, ampliaciones, renovaciones y nuevos exámenes de tal solicitud de patente, incluyendo, sin limitación, las patentes, las aplicaciones, la utilidad modelos, certificados de inventor, y diseña junto con el derecho a

presentar aplicaciones para los mismos; y que incluye el derecho a reclamar los mismos derechos de prioridad desde cualquier aplicación presentada anteriormente en virtud del Convenio Internacional para la Protección de la Propiedad Industrial, o de cualquier otro convenio internacional, o la leyes nacionales del país en el que se presente cualquiera de estas aplicaciones, como puede ser aplicable; todos los derechos , títulos e intereses que se celebrarán y disfrutados por el cesionario mencionado anteriormente , su sucesores, representantes legales y asignados a la misma medida que todos los derechos de este tipo, título e interés se habría celebrado y disfrutado por el cedente tenga esta asignación y venta no hubieran estado hecho.

Los inventores firmantes se comprometen a ejecutar todos los documentos necesarios en relación con la aplicación (s) y cualquier no provisional , continuando (continuación , de división , o de continuación en parte) , reedición , un nuevo examen o la aplicación correspondiente (s) de la misma y también para ejecutar por separado las cesiones a las que haya lugar.

En constancia,

FIRMAS (5 INVENTORES)

FECHA: 21-05-2014

ADVANCE E-MAIL

PCT

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

(PCT Rule 44bis.1(c))

From the INTERNATIONAL BUREAU

To:

RECEIVED
DEC 08 2015
L. Plachy
Sterne, Kessler, Goldstein & Fox,
P.L.L.C.

GOLDSTEIN, Jorge, A.
Sterne, Kessler, Goldstein & Fox PLLC
1100 New York Avenue N.W.
Washington, DC 20005
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year)

03 December 2015 (03.12.2015)

Applicant's or agent's file reference

3157.008PC02

IMPORTANT NOTICE

International application No.

PCT/IB2014/001735

International filing date (day/month/year)

22 May 2014 (22.05.2014)

Priority date (day/month/year)

22 May 2013 (22.05.2013)

Applicant

ECOFLOA S.A.S.

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

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

Authorized officer

Cécile Chatel

Facsimile No. +41 22 338 82 70

e-mail: ro.ib@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 3157.008PC02	FOR FURTHER ACTION		See item 4 below
International application No. PCT/IB2014/001735	International filing date (day/month/year) 22 May 2014 (22.05.2014)	Priority date (day/month/year) 22 May 2013 (22.05.2013)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant ECOFLOA S.A.S.			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 8 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| ☒ | Box No. I | Basis of the report |
| ☐ | Box No. II | Priority |
| ☐ | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| ☐ | Box No. IV | Lack of unity of invention |
| ☒ | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| ☒ | Box No. VI | Certain documents cited |
| ☐ | Box No. VII | Certain defects in the international application |
| ☐ | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 24 November 2015 (24.11.2015)
	Authorized officer Cécile Chatel e-mail: ro.ib@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IB2014/001735

International filing date (day/month/year)
22.05.2014

Priority date (day/month/year)
22.05.2013

International Patent Classification (IPC) or both national classification and IPC
INV. C09B23/04 C09B67/22 C09B67/54

Applicant
ECOFLOA S.A.S.

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 usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0
Fax: +49 89 2399 - 4465

Date of completion of
this opinion

see form
PCT/ISA/210

Authorized Officer

Telephone No. +49 89 2399-0



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2014/001735

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
- ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
- a. (means)
- ☐ on paper
 - ☐ in electronic form
- b. (time)
- ☐ in the international application as filed
 - ☐ together with the international application in electronic form
 - ☐ subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

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

1. Statement

Novelty (N)	Yes: Claims	<u>1-29, 31-113</u>
	No: Claims	<u>30</u>
Inventive step (IS)	Yes: Claims	
	No: Claims	<u>1-113</u>
Industrial applicability (IA)	Yes: Claims	<u>1-113</u>
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/B2014/001735

Box No. VI Certain documents cited

1. Certain published documents (Rules 43*bis*.1 and 70.10)
and / or
2. Non-written disclosures (Rules 43*bis*.1 and 70.9)
see form 210

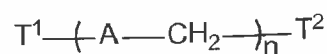
ad Section V

Reference is made to the following documents:

- D1 SHIGEAKI FUJIKAWA ET AL: "Structure of genipocyanin G1, a spontaneous reaction product between genipin and glycine", TETRAHEDRON LETTERS, vol. 28, no. 40, 1 January 1987 (1987-01-01), pages 4699-4700, XP055044997, ISSN: 0040-4039, DOI: 10.1016/S0040-4039(00)96601-2
- D2 JP S61 47167 A (SUNTORY LTD) 7 March 1986 (1986-03-07)

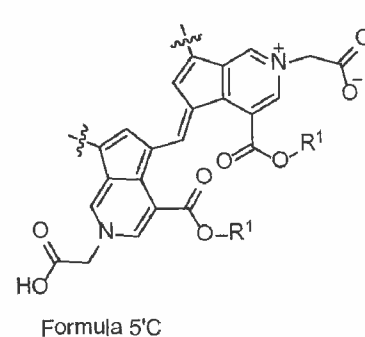
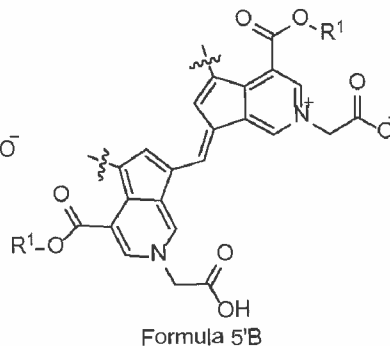
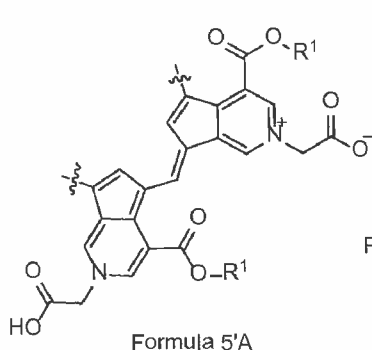
Claims 1-29:

Claim 1 is directed to a colorant composition comprising a polymer of formula 4:



Formula 4

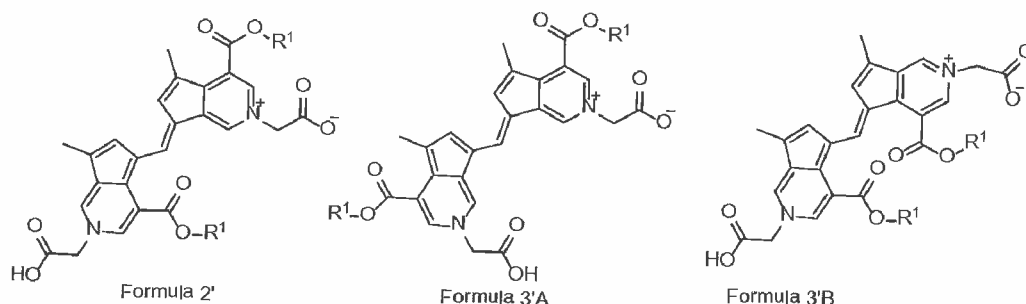
a geometric isomer thereof, a tautomer thereof, or a salt thereof,
wherein n is an integer from 2 to 20;
wherein each A is independently selected from the group consisting of formula 5'A,
formula 5'B, formula 5'C, a geometric isomer thereof, a tautomer thereof, a salt
thereof, and a combination thereof:



wherein:

R^1 is hydrogen, methyl, ethyl, propyl, isopropyl, butyl, sec-butyl, isobutyl, or tert-butyl; and wherein T^1 is hydrogen or a methyl group; and T^2 is hydrogen or $A-T^1$, wherein A and T^1 are defined above;

wherein the colorant composition is substantially free of a first additional compound selected from the group consisting of formula 2', formula 3'A, formula 3'B, a geometric isomer thereof, a tautomer thereof, and a salt thereof:



D1 (cf. passages indicated in the SR) discloses Ginipocyanin which is produced by a reaction of Genipin and glycine. D1 differs from the subject matter of claim 1 insofar that in claim 1 at least four (4) Genipin entities are connected to a polymer whereas in D1 only two (2) Genipin entities are connected to form a dimer.

D1 is considered to represent the closest prior art.

In view of the distinguishing features with respect to the closest prior art of D1 the of objective technical problem may be regarded as the provision of an alternative blue pigment.

The proposed solution is not considered to involve an inventive step, because it is not surprising that a molecule showing at least four Genipin moieties will show blue pigment properties.

Thus, the subject matter of claim 1 is not inventive. Claims 2-29 do not add any features which may establish inventive activity over D1.

Claim 30, 31

With respect to the term substantially purified the IPEA is of the opinion that it is common general knowledge that any chemical compound obtained by a chemical reaction would normally contain impurities for various reasons and that it is not

possible for thermodynamical reasons to obtain a compound, which is totally free of any impurity. For the person skilled in the art of preparative organic chemistry it is therefore common practice to purify a compound obtained to the prevailing needs and requirements, e.g. in samples for analytical purposes. Conventional methods for the purification of low molecular organic reaction products e.g. recrystallisation, distillation, chromatography etc. are within the common general knowledge of those skilled in the art. It follows that, a document disclosing a low molecular chemical compound and its manufacture made this available to the public within the meaning of Article 33(2) PCT in all grades of purity as desired by a person skilled in the art.

That is the case with respect to D2.

The compounds according to formulae 3'A and 3'B are disclosed in D2 (cf. passages indicated in the SR). Thus, the subject matter of claim 30 is not novel.

The compounds according to formulae 1A and 1B are not considered to be inventive.

Claims 32-34

Claim 1 which is directed to the polymer of formula 4, the IPEA is of the opinion that the polymer is not inventive, as indicated above. Concerning the substantially purified polymer the IPEA is of the opinion that it is common general knowledge that any chemical compound obtained by a chemical reaction would normally contain impurities for various reasons and that it is not possible for thermodynamical reasons to obtain a compound, which is totally free of any impurity. For the person skilled in the art of preparative organic chemistry it is therefore common practice to purify a compound obtained to the prevailing needs and requirements, e.g. in samples for analytical purposes.

Consequently, purification as such is not considered to impart inventive activity over the dimers disclosed in D1.

Thus the subject matter of claim 32-34 is not inventive.

Claims 35-39

In the regard as outlined above the polymers of claims 35-38 are also not considered to be inventive. The same applies to the process of claim 39.

Claims 40-44

From D1 it is known to use Genipocyanin as natural blue food dyestuffs. It is therefore not surprising that the polymer showing at least four Genipin moieties also imparts blue color to a substrate. Thus the subject matter of claims 40-44 is not inventive.

Claims 45-113

In this regard any of the products and/or compositions of claims 44-67,72,88-95,99,101,103 as well as the methods for preparing colorant compositions of claims 68-71,73-87,96-98,100,102 as well as further products of claims 105-111 and the method of preparing a composition a Genipin precursor are not considered to involve an inventive step in view of D1 and D2.

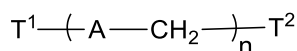
ad Section VI

WO 2014/001910 A1 (ECOFLORES S A S [CO]; ECHEVERRI LUIS FERNANDO [CO];
GIL JUAN FERNANDO []) 3 January 2014 (2014-01-03)

SECCIÓN V

REIVINDICACIONES 1-29:

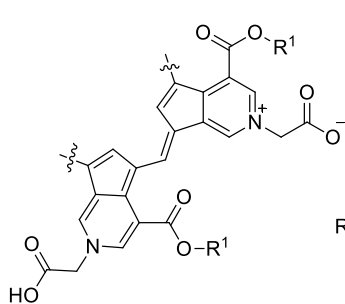
La reivindicación 1 se dirige a una composición colorante que comprende un polímero de fórmula 4:



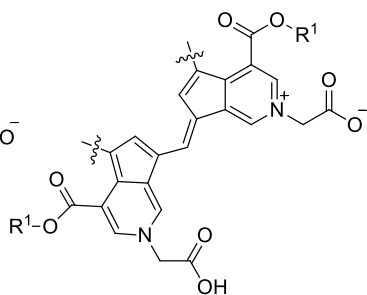
Formula 4

Un isómero geométrico del mismo, un tautómero del mismo, o una sal del mismo, donde n es un número entero de 2 a 20;

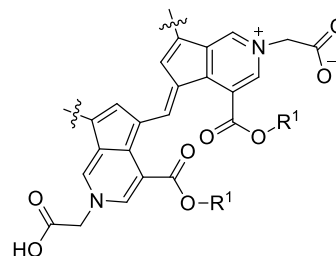
en la que cada A se selecciona independientemente del grupo que consiste en la Fórmula 5 'A, fórmula 5'b, fórmula 5'C, un isómero geométrico del mismo, un tautómero del mismo, una sal de los mismos, y una combinación de los mismos:



Formula 5'A



Formula 5'B



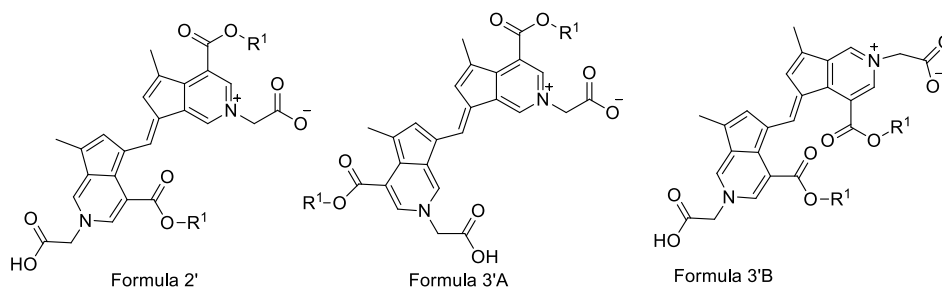
Formula 5'C

Donde:

R1 es hidrógeno, metil, etil, propil, isopropil, butil, sec-butil, isobutil, o terc-butil;

y en el que T1 es hidrógeno o un grupo metilo; y T2 es hidrógeno o A-T', en la que A y T1 se han definido anteriormente; en el que la composición colorante está sustancialmente libre de un primer compuesto adicional seleccionado del grupo que consiste en la fórmula 2', fórmula 3'A, fórmula 3'b, un isómero geométrico del mismo, un tautómero del mismo, y una sal del mismo:

SECCIÓN V



D1 (cf. pasajes indicados en la SR) describe Ginipocyanin que se produce por una reacción de Genipina y glicina. D1 difiere del objeto de la reivindicación 1 en la medida en que en la reivindicación 1 al menos cuatro (4) entidades Genipina están conectados a un polímero, mientras que en D1 sólo dos (2) entidades Genipina están conectados para formar un dímero. D1 se considera que representa la técnica anterior más próxima.

En vista de las características distintivas con respecto a la técnica anterior más próxima de la D1 de problema técnico objetivo puede ser considerado como la provisión alternativa de un pigmento azul.

La solución propuesta no se considera que implica una actividad inventiva, porque no es sorprendente que una molécula que muestra al menos cuatro restos Genipina mostrará de color azul las propiedades de los pigmentos

Por lo tanto, el objeto de la reivindicación 1 no es inventivo. Las reivindicaciones 2-29 no añaden ninguna característica que pueda establecer la actividad inventiva sobre D1.

REIVINDICACIÓN 30. 31

Con respecto al término sustancialmente purificado, el IPEA es la opinión común y general de conocimiento que dice que cualquier compuesto químico producto de una reacción química, normalmente contiene impurezas, y que por razones termodinámicas no es posible obtener un compuesto que esté totalmente libre de cualquier impureza. Para la persona experta en la técnica de la química orgánica preparativa, purificar un compuesto obtenido a las necesidades del momento y requisitos, es una práctica común, por ejemplo, en muestras para fines de análisis. Los métodos convencionales para la purificación de los productos de baja reacción orgánica molecular, por ejemplo, la recristalización molecular, destilación, la cromatografía, etc. están dentro del conocimiento general común de aquellos expertos en la técnica. Seguido de esto, un documento describe un compuesto químico de pocas moléculas y su fabricación hacen que esté a disposición del público en el sentido del Artículo 33 (2) PCT en todos los grados de pureza como el experto en la técnica desee.

Ese es el caso con respecto a D2.

Los compuestos de las fórmulas 3'A y 3'B se describen en D2 (cf. pasajes indicados en la SR). Por lo tanto, el objeto de la reivindicación 30 no es nuevo.

SECCIÓN V

Los compuestos de acuerdo con las fórmulas 1A y 1B no se consideran invenciones.

REIVINDICACIONES 32-34

La reivindicación 1 que se dirige al polímero de fórmula 4, el IPEA es de la opinión general que dice que el polímero no es inventivo, como se indicó anteriormente. En cuanto al polímero sustancialmente purificado, el IPEA es la opinión común y general de conocimiento que dice que cualquier compuesto químico producto de una reacción química, normalmente contiene impurezas, y que por razones termodinámicas no es posible obtener un compuesto que esté totalmente libre de cualquier impureza. Para la persona experta en la técnica de la química orgánica preparativa, purificar un compuesto obtenido a las necesidades del momento y requisitos, es una práctica común, por ejemplo, en muestras para fines de análisis.

En consecuencia, la purificación como tal, no se considera para impartir la actividad inventiva sobre los dímeros que se describen en D1.

Así, el objeto de la reivindicación 32 a 34 no es inventivo.

REIVINDICACIONES 35-39

En el sentido como se indica encima de los polímeros de las reivindicaciones 35-38 Tampoco se consideran inventivos. Lo mismo se aplica al proceso de la reivindicación 39.

REIVINDICACIONES 40-44

De D1 se conoce el uso de Genipocyanin como un colorante natural azul de alimentos. Por lo tanto, no es sorprendente que el polímero muestre al menos cuatro restos Genipín, el cual, también imparte el color azul a un sustrato. Así, el objeto de las reivindicaciones 40-44 no es inventivo.

REIVINDICACIONES 45-113

A este respecto cualquiera de los productos y / o composiciones de las reivindicaciones 44-67, 72, 88-95, 99, 101, 103 así como los métodos para la preparación del colorante: composiciones de las reivindicaciones 68-71, 73-87, 96-98, 100, 102 así como otros productos de las reivindicaciones 105-111 y el método de preparación de una composición del precursor Genipina no se consideran que impliquen una actividad inventiva a la vista de D1 y D2.

Señores
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO
Delegatura para la Propiedad Industrial
Dirección de Nuevas Creaciones
Bogotá - Colombia

Expediente: 15-304877
Asunto: Respuesta Oficio 1688

MÓNICA RESTREPO RUIZ, abogada portadora de la tarjeta profesional No. 155.264 del C. S. de la J. e identificada con la cédula de ciudadanía No. 32.207.541 de Medellín, actuando como apoderada de la compañía ECOFLORA S.A.S., según poder que me han conferido y que expresamente acepto, me permito dar respuesta al estudio de forma de la solicitud en los siguientes términos:

1. Petitorio

- a. Aclaro que la prioridad reivindicada corresponde exactamente con la de la solicitud internacional; así se reclamada prioridad es sobre las solicitudes:
US 61/826,391 22 de Mayo de 2013
US 61/836,072 17 de Junio de 2013
- b. Los inventores de la solicitud también corresponden con los indicados en la solicitud internacional; así:
 - Esteban Vargas Cano.
Calle 83b # 57-87
Itaguí, Colombia (CO)
 - Luis Fernando Echeverry López.
Carrera 43B # 7Sur - 177 Apto 2106
Medellín, Colombia (CO)
 - Juan Fernando Gil Romero.

Calle 56A # 81-33 Apto 318
Medellín, Colombia (CO)

- Edwin Andrés Correa Garcés.
Carrera 53D # 9Sur-76
Medellín, Colombia (CO)
- Sandra Patricia Zapata Porras.
Carrera 40A # 11B-54 Apto 406
Medellín, Colombia (CO)

2. Análisis de prioridad

- a. Adjunto el IPEA con su correspondiente traducción al castellano.

3. Pago de tasas

- a. Aceptamos el pago de la tasa por reivindicaciones adicionales de acuerdo a nuevo capítulo reivindicatorio que se presente.

4. Cesión

- a. Adjunto documento de cesión de los inventores a la sociedad solicitante con su correspondiente traducción al castellano.

5. Resumen

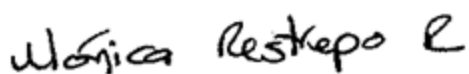
- a. Presento a consideración el siguiente un resumen más corto.

La presente invención se relaciona con compuestos de colorante que comprende compuestos purificados (por ejemplo, un polímero purificado o un dímero purificado) para impartir color a un alimento, una droga, un cosmético, un dispositivo médico y productos textiles.

6. Reivindicaciones

- a. Presentaremos un nuevo capítulo reivindicatorio que atienda las objeciones presentadas y que corresponda con el interés del solicitante sobre la protección de su invención.

Cordialmente,



MÓNICA RESTREPO RUIZ

T.P. 155.264 del C. S. de la J.

C.C. 32.207.541 de Medellín