

P-12634

SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

DIRECCIÓN DE NUEVAS CREACIONES

E. S. D.

Re: Expediente No. **NC2016/0005027**

Solicitud de patente a nombre de **OXITEC LIMITED**

Yo, CAROLINA DAZA MONTALVO identificada como aparece al pie de mi firma, domiciliada en la Carrera 11 No. 86-53, obrando como apoderada de la sociedad OXITEC LIMITED, domiciliada en Abingdon, Gran Bretaña, solicitante de la patente de la referencia, me permito informar lo siguiente:

Por medio de este memorial estamos allegando a ese Despacho el siguiente **COMPLEMENTO DE INFORMACIÓN**, mediante el cual el Solicitante desea complementar los argumentos referentes a la Novedad de la solicitud presentados el 09 de junio de 2020 en respuesta al Oficio No. 192 previamente:

1. Novedad

Como complemento a los argumentos presentados previamente respecto a la Novedad de la presente invención, en donde se indicó que:

"El solicitante desea manifestar que se ha puesto en contacto con la Universidad de East Anglia a fin de solicitar evidencia documental sobre el acceso restringido al documento D5, tales como la fecha en que la tesis fue depositada y puesta bajo acceso restringido, y la fecha en que expiró dicho acceso restringido. Desafortunadamente, la Universidad, incluidas sus bibliotecas, actualmente se encuentra cerrada debido a la pandemia causada por el COVID-19, y no puede proporcionar una estimación de cuándo podrá acceder a sus registros. Sin embargo, tan pronto el solicitante cuente con dicha información, se le hará llegar al examinador como complemento de información a la presente solicitud."

En este sentido, el solicitante presenta junto con este memorial copia del formulario de la Universidad de East Anglia llenado por el Dr. Leftwich para el depósito de su tesis. El cual fue proporcionado por la universidad con la ayuda del Dr. Leftwich. El documento ha sido

modificado solo para proteger los datos personales del Dr. Leftwich.

El formulario tiene fecha del **28 de agosto de 2012** y establece claramente que la tesis está sujeta a **restricciones de confidencialidad**. La naturaleza de ellos se describe en la página 3 del formulario de la siguiente manera:

"Beca industrial CASE con Oxitec Ltd. Ninguna parte de este documento, o la información contenida en él, puede publicarse en cualquier forma sin la aprobación previa por escrito de un Director de Oxitec Ltd."

Es importante resaltar que, de acuerdo con la política de la Universidad, el período estándar durante el cual el embargo o prohibición de publicación habría permanecido en vigor era de tres años. Para su mejor referencia, se adjunta la política de 2012 de la Universidad de East Anglia, para el depósito electrónico de la copia de la tesis en la biblioteca, proporcionada. El documento brinda algunos antecedentes útiles relacionados con este período en la sección titulada "Embargos", traducido a continuación para su mejor referencia:

*"Como ya se encuentra estipulado en el Calendario Universitario, **continuaremos brindando una opción de embargo** para las tesis donde la Junta de la Escuela, a solicitud del autor, podrá determinar que una tesis en particular, **por un período de hasta tres años** especificado por la Junta, solo se pondrá a disposición de quienes tengan permiso por escrito para consultarla. Las tesis embargadas no estarán disponibles para EThOS (el servicio británico de bibliotecas para tesis) y no se harán visibles públicamente en EPrints (el repositorio digital de la universidad) hasta que la restricción haya expirado. La tesis embargada aún se almacenará electrónicamente en el repositorio digital de UEA, pero de manera restringida para que no se muestre a los usuarios." (la negrilla es nuestra)*

También puede consultar el Reglamento de adjudicación 2013-14 en <https://www.uea.ac.uk/documents/20142/990322/awards-regulations-2012-2013.pdf/af6a30e5-2d0c-9f82-b857-7cbe0c6bb671?t%20=%201580392480461>. Allí se hace referencia al período máximo estándar de embargo de tres años para las tesis al menos en la página 133, en la sección titulada "Consulta y préstamo de tesis", en donde se indica que:

*"La Junta de la Escuela, a solicitud del autor, podrá determinar que una tesis en particular, **por un período de hasta tres años** especificado por la Junta, estará disponible solo para el autor o para aquellos que tengan permiso por escrito para consultarla. Un candidato que desee solicitar una restricción de consulta para su*

tesis debe solicitar el formulario correspondiente en la Oficina de Investigación de Postgrado. El formulario completo debe acompañar las copias de la tesis, cuando se presente. Las tesis cuyo uso está restringido de esta manera no se envían al Centro de Suministro de Documentos de la Biblioteca Británica ni en formato electrónico ni para su digitalización por EThOS. La tesis embargada aún se almacenará electrónicamente en el Repositorio Digital de UEA, pero restringida para que no se muestre a los usuarios hasta que la restricción haya expirado."

De acuerdo con lo anterior, y teniendo en cuenta que se está allegando evidencia de que el documento D5 fue depositado en la biblioteca de la Universidad de East Anglia el 28 de agosto de 2012 bajo condiciones de confidencialidad de hasta por lo menos 3 años, se hace notar que dicho documento no estaba disponible para el público en general para la fecha de agosto 2012 citada por el examinador, sino solo hasta el 28 de agosto de 2015. Así, teniendo en cuenta lo establecido en el artículo 16, en donde se estipula que "*El estado de la técnica comprenderá todo lo que haya sido accesible al público por una descripción escrita u oral, utilización, comercialización o cualquier otro medio antes de la fecha de presentación de la solicitud de patente o, en su caso, de la prioridad reconocida*", es posible determinar que el documento D5 **no** hace parte del estado de la técnica, puesto que solo habría sido hecho público en una fecha posterior a la fecha de prioridad reivindicada por la presente solicitud.

Se le solicita respetuosamente se tengan en cuenta todos los argumentos presentados anteriormente, así como los documentos y argumentos aquí aportados para determinar la patentabilidad de la solicitud.

Anexos:

- Formulario de la Universidad de East Anglia para el depósito del documento D5.
- Política de 2012 de la Universidad de East Anglia, fechada 09 de Mayo.

Señora Directora,



CAROLINA DAZA MONTALVO

C.C. 66.783.790 de Palmira Valle

TP-141563 CSJ

notificaciones@clarkemodet.com.co

28/08/12



RESEARCH DEGREE: ENTRY FORM

To be completed by candidates for the degrees of PhD, MPhil, ClinPsyD, EdD, MD, DSW and Masters by Research and returned to the Postgraduate Research Office, Elizabeth Fry 2.30, together with:

Two bound copies of your thesis.

Three copies of an abstract of your thesis, not exceeding 300 words, in a form suitable for publication and typed single-spaced on one side of A4 paper. The abstract must be headed by your full name, the year of submission and the title of the thesis.

Surname/Family Name: LEFTWICH Registration Number: 4151 968

Forenames or Other Names: PHILIP THOMAS

School: BIO

Degree: PhD

Precise thesis title (BLOCK CAPITALS):

MALE REPRODUCTIVE SUCCESS AND POPULATION
CONTROL IN THE MEDITERRANEAN FRUIT FLY,
CERATITIS CAPITATA

Address to which all communications, including pass lists, may be sent to you (BLOCK CAPITALS):

Telephone number:

Email address:

Signed (candidate)

Date: 28 1 08 2012

CERTIFICATE OF ORIGINALITY

I certify that the work contained in the thesis submitted by me for the degree of PhD is my original work (1), except where due reference is made to other authors, and has not previously been submitted by me for a degree at this or any other University (2).

Signed (candidate)

Date: 28 1 08 2012

- (1) Give details and extent of Joint Work
- (2) If the thesis is in furtherance of a previous dissertation, state where and when the previous submission was made

AUTHORITY TO COPY

I authorise the University to copy extracts of my thesis under the same terms as specified in the CLA Agreement. I understand that such copies would be for teaching and research purposes only and NOT for publication

Signed (candidate) Date: 28 / 08 / 2012

Candidate's name (BLOCK CAPITALS) ... PHILIP LEFTWICH ... Reg No: 4151968

CONFIDENTIALITY RESTRICTIONS

Please indicate if your thesis is subject to any confidentiality restrictions because of industrial support for your research project; the use of proprietary materials supplied under a Materials Transfer Agreement; of possible patents which may arise from the work, or some other reason.

Tick one of the boxes below:

The thesis and associated work is ☐ free from any confidentiality restrictions

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If you tick the second box, you must submit with your thesis a statement describing the nature of the confidentiality restrictions and declaring whether the industrial sponsor or other part concerned has been consulted appropriately. The statement, the pro forma for which is available from the Graduate Office Administrator in the Registry, must be countersigned by your supervisor.

SPECIAL CIRCUMSTANCES TO BE DRAWN TO THE ATTENTION OF THE EXAMINERS

Please give details of any circumstances that may have affected your research performance and should be drawn to the attention of the examiners.

N/A -
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Signature

Comments on the above from the Primary Supervisor:

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Date

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Signature

Please note: After the examination two hard bound copies or one hard bound copy and one electronic copy of your thesis with the corrections need to be returned to the Learning, Teaching and Quality Office together with a certificate from your internal examiner saying that the corrections have been made to their satisfaction. One of these becomes the copy for the library. If this does not happen the degree cannot be conferred on you. From April 1st 2010 you will be able to deposit either an electronic copy or a hard copy of your thesis as the Library copy. (See <http://www.uea.ac.uk/is/etheses> for more information about e-theses)

UNIVERSITY OF EAST ANGLIA

CONFIDENTIALITY STATEMENT FOR RESEARCH DEGREE THESIS

Name..... PHILIP LEFTWICH School BIO

Thesis title MALE REPRODUCTIVE SUCCESS AND POPULATION
CONTROL IN THE MEDITERRANEAN FRUIT FLY, CERATOS
CAPITATA

Supervisor PROF TRACEY CHAPMAN

Please state below (continuing on a separate sheet if necessary) whether any of the following apply:

1. You had an industrial studentship, a CASE studentship, or some other involvement of industry in your research project and signed an agreement about confidentiality and/or ownership of intellectual property rights.
2. In your research you used proprietary compounds which were the subject of a Materials Transfer Agreement.
3. You have plans to patent the results.
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If any of the above apply, please describe the nature of the confidentiality restrictions, which may, for example, be that the industrial sponsor should see a draft of your thesis. State what action you have taken in the light of the restrictions and what the consequences of that action are. Have you, for example, consulted the sponsor; have they confirmed that the confidentiality restrictions may be released; or do the restrictions remain in place?

Finally, please sign and date the statement and ask your supervisor to sign and date it too.

1. ~~THE~~ Industrial CASE studentship with Oxitec Ltd.
No part of this document or the information contained within
may be published in any form without the prior written
approval of a Director of Oxitec Ltd.

Student.....  Date..... 28/08/2012

Primary Supervisor  Date..... 28/8/12

Proposal to mandating of the Electronic Deposit of the Library Copy of a Thesis

From September 2012 the Library is proposing to permit only the deposit of an electronic version of the library copy of a UEA research degree thesis, with provision for an embargo.

Background

Since April 2010, UEA library has offered the *option* of submitting the *library copy* of a UEA research degree thesis either as a hardbound copy or as an electronic copy. Hard copies are stored in the Archives and are available for access on a mediated basis only. Electronic copies are added to EPrints, the UEA digital repository. This is publically searchable via Google and is also available to researchers using the British Library theses service 'EThOS'.

When we first proposed the move to electronic deposit in 2009, we highlighted the following drivers for making this change:

- Theses are now mainly “born digital”.
- Expensive for students to print and bind hard copy of their thesis.
- Expensive for the library to store and takes up large amount of space.
- Ensure higher visibility of UEA PGR research locally and more widely via the Internet.
- Enable both local and external searches via major search engines.
- British Library no longer convert theses to microfilm, they have launched an initiative called ETHOS which is an ‘all digital’ service.
- Expensive for UEA to digitise from the print as the cost for digitising theses from the print is now £45 per thesis

The deposit of the Library copy of a research degree thesis as an electronic copy is fast becoming the norm at UEA. Since April 2010 we have seen a significant slowdown in the deposit of hard copy theses. An illustration of this culture change is that 250 hard copy theses were deposited in 2009 prior to the change to optional e-theses deposit. In 2011, 96 hard copy theses were deposited and 231 e-theses.

This move to e-theses deposit at UEA is also reflected nationally. A September 2010¹ survey of universities (including many from the Russell Group and 1994 Group), commissioned by JISC and led by UCL, indicated that 70 of 90 responding libraries now have a mandate requiring theses deposit in electronic format. One of the main findings of this survey is that by 2015, it is projected that over 99% of the UK's annual output of PhD theses will be held

¹ University College London, 2010. *Influencing the Deposit of Electronic Theses in UK HE: Report on a sector-wide survey into thesis deposit and open access*. [pdf] London: University College London. Available at: <http://www.rsp.ac.uk/documents/etheses-briefing-papers/EthesesSurveyReport.pdf> [Accessed 9 January 2012].

electronically by UK HEIs, raising the visibility of the research carried out in these institutions. We believe it is crucial that UEA is not left behind by our peer institutions in this accelerated cultural change because we want to ensure that the research generated by UEA's PhD students is as visible and as readily available across the academic community as research from our peer institutions especially at this time of increased competition.

Embargoes

As already stipulated in the University Calendar, we will continue to provide an embargo option for theses where the Board of the School, at the request of the author, may determine that a particular thesis shall, for a period of up to three years specified by the Board, be only made available to those who have written permission to consult it. Embargoed theses will not be made available to EThOS and will not be made visible publicly on EPrints until the restriction has lapsed. The embargoed thesis will still be stored electronically in the UEA digital repository, but restricted so as not to display to users.

The Library may also, in exceptional circumstances, accept a hard copy where the form of the submission makes it impossible to accept in a purely digital format, e.g. when there are multiple objects that cannot be digitised. The Library will provide advice on this and exceptions will be agreed with the Head of Library Academic Services.

Why Do Students Continue to Deposit Hard Copy?

To try to understand why some students still seem to prefer to deposit the library copy of their theses in hard copy, we carried out a thesis submission survey between January and March 2012. This survey was sent by email from the alumni office to individuals who had submitted a print copy of their thesis to the library between December 2011 and March 2012.

Out of 31 students (representing schools within each faculty) contacted, only 9 replied (representing only schools within SCI and FoH).

Of these nine, one stated a desire to deposit a hard copy:

"I felt submitting a hard copy would be more satisfying, as it would make all of my hard work over the past years more tangible. I was very proud of my PhD thesis and did not feel that an electronic file represented this feeling"

Another stated that:

"I prefer the printed version ones because I think they won't get lost during the transportation from Thailand to UEA."

All other respondents were happy with the principle of submitting electronically, and gave personal organisational reasons for submitting print rather than electronic. Some respondents appear to have already deposited both print and electronic and several others mentioned interest in depositing an additional copy electronically.

Security of E-Theses

At times during the last couple of years there have been concerns raised that e-theses are less secure than hard copy theses as they may be easily searched and copied and pasted into other pieces of work. However, a briefing paper² on plagiarism using the data from UCL's 2010 survey cited above suggests that detection of plagiarism is actually easier online. This is because a 'date stamped' online thesis is easier to find and to search and will be more exposed to anti-plagiarism software tools such as TURNITIN. By contrast, hard copy thesis may be plagiarised with very little chance of discovery.

The report also suggests that locking down PDFs to try to limit their potential to be plagiarised is likely to affect the preservation of theses as it may prevent them being migrated effectively to newer formats. Finally the research suggests that few actual occurrences of plagiarised work have been reported in the UK.

Proposals

In summary, the proposal for the deposit of the library copies research degree theses is that:

- From September 2012 the Library permits only the deposit of an electronic version of the library copy of the thesis, on an 'opt out' basis; that any 'opt out' follows the rules relating to embargoes detailed in the 'Consultation and Borrowing of Theses' as already stipulated in the University Calendar.

Further Information

Enquiries about the content of this paper should be addressed to Andrew Barker (Andrew.barker@uea.ac.uk – ext 2430)

² University College London, 2010. *E-Theses Best Practice Summaries:Plagiarism* [pdf] London: University College London. Available at: <http://www.rsp.ac.uk/documents/etheses-briefing-papers/Plagiarism.pdf> [Accessed 27th April 2012].