

REPÚBLICA DE COLOMBIA
SUPERINTENDENCIA DE INDUSTRIA Y COMERCIO

Resolución N° **24344**

Ref. Expediente N° NC2018/0008733

Por la cual se otorga una Patente de Invención

EL SUPERINTENDENTE DE INDUSTRIA Y COMERCIO

en ejercicio de sus facultades legales, en especial de las conferidas en el numeral 26 del artículo 3° del Decreto 4886 de 2011, y

CONSIDERANDO:

PRIMERO: Que mediante escrito radicado en esta Superintendencia el 21 de agosto de 2018, con el N° NC2018/0008733, por DOW AGROSCIENCES LLC, entró a fase nacional la solicitud de patente de invención titulada “*MOLÉCULAS QUE TIENEN UTILIDAD PLAGUICIDA, E INTERMEDIARIOS, COMPOSICIONES Y PROCESOS, RELACIONADOS CON ELLAS*”, que corresponde a la solicitud internacional PCT/US2017/013856 del 18 de enero de 2017.

SEGUNDO: Que la solicitud fue publicada en la Gaceta de la Propiedad Industrial N° 845 el 22 de noviembre de 2018, sin que se hubieran presentado oposiciones por parte de terceros.

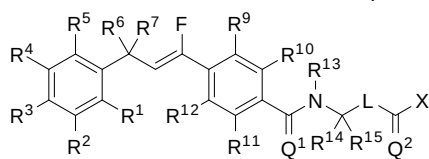
TERCERO: Que realizado el examen de fondo mediante Oficio N° 7770, notificado el 01 de julio de 2020, se requirió al solicitante en los términos del artículo 45 de la Decisión 486 de la Comisión de la Comunidad Andina para que presentara respuesta a las observaciones de carácter técnico, relacionadas con la patentabilidad o cumplimiento de los requisitos establecidos por esta Decisión para la concesión de la patente.

CUARTO: Que el solicitante mediante escrito radicado bajo el N° NC2018/0008733 el 23 de septiembre de 2020, respondió oportunamente el requerimiento formulado y presentó las reivindicaciones 1 a 3 que reemplazan las originalmente presentadas. Posteriormente, mediante escrito radicado bajo el N° NC2020/0013982 el 10 de noviembre de 2020, el solicitante presentó las reivindicaciones 1 a 3 para que sean tenidas en cuenta al momento de realizar el examen definitivo de la solicitud.

Se acepta este último capítulo reivindicatorio presentado, comoquiera que se ajusta a las prescripciones contenidas en el artículo 34 de la Decisión 486.

QUINTO: Que en virtud de lo dispuesto en el artículo 14 de la Decisión 486 expedida por la Comisión de la Comunidad Andina “*Los países miembros otorgarán patentes para las invenciones, sean de producto o de procedimiento, en todos los campos de la tecnología, siempre que sean nuevas, tengan nivel inventivo y sean susceptibles de aplicación industrial*”.

SEXTO: Que en el presente caso las reivindicaciones 1 a 3 incluidas en el radicado bajo el N° NC2020/0013982 el 10 de noviembre de 2020, cumplen los requisitos indicados en el considerando anterior, toda vez que refieren a moléculas que tienen la fórmula



que difieren del estado de la técnica más cercano,



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US20140171310, en la presencia de un átomo de F sobre el carbono que forma el doble enlace presente en la cadena alquílica que une los anillos bencénicos. Adicionalmente, esta diferencia no se encuentra sugerida en el estado de la técnica y, como consecuencia de ello, se evidencia un efecto plaguicida mejorado en las moléculas. Sumado a lo anterior, la materia reivindicada, es susceptible de aplicación industrial.

En consecuencia, las reivindicaciones 1 a 3 cumplen los requisitos de novedad, nivel inventivo y aplicación industrial establecidos en la normatividad citada en precedencia y este Despacho encuentra procedente conceder para las mismas la patente solicitada.

SÉPTIMO: Que el solicitante en el escrito radicado bajo el N° NC2018/0008733 del 29 de abril de 2020, solicitó la modificación del título a: “**MOLÉCULAS QUE TIENEN UTILIDAD PLAGUICIDA Y COMPOSICIONES DE LAS MISMAS**”, la cual no se acepta porque no hace referencia específica a la materia contenida en las reivindicaciones y a la materia concedida. Teniendo en cuenta lo anterior, el título quedará de la siguiente manera: “**MOLÉCULAS BENCÉNICAS SUSTITUIDAS POR AMIDO O TIOAMIDO QUE TIENEN UTILIDAD PLAGUICIDA**”.

Con fundamento en las anteriores consideraciones, el Superintendente de Industria y Comercio,

RESUELVE

ARTÍCULO PRIMERO: Otorgar patente de invención a la solicitud que entró en fase nacional en virtud del Tratado de Cooperación en Materia de Patentes (PCT), para la creación titulada:

“MOLÉCULAS BENCÉNICAS SUSTITUIDAS POR AMIDO O TIOAMIDO QUE TIENEN UTILIDAD PLAGUICIDA”

Clasificación IPC: A01N 25/32, A01N 43/48, A01N 43/653, A01P 3/00.

Reivindicaciones: 1 a 3 incluidas en el radicado bajo el N° NC2020/0013982 el 10 de noviembre de 2020, de acuerdo con el anexo 1.

Titular: DOW AGROSCIENCES LLC.

Domicilio: 9330 ZIONSVILLE ROAD INDIANAPOLIS, IN 46268 ESTADOS UNIDOS DE AMÉRICA.

Inventores: Gerald B. WATSON, Paul LEPLAE, William C. LO, John HERBERT, Xin GAO, Thomas BARTON, Jim HUNTER, Joshodeep BORUWA, y Raghuram TANGIRALA.

Prioridades N°: 25/01/2016, US (ESTADOS UNIDOS DE AMÉRICA), 62/286,708.
25/01/2016, US (ESTADOS UNIDOS DE AMÉRICA), 62/286,702.

Solicitud internacional N°: PCT/US2017/013856 **Fecha:** 18 de enero de 2017.

Vigente desde: 18 de enero de 2017 **Hasta:** 18 de enero de 2037.

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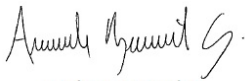
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ARTÍCULO SEGUNDO: El titular tendrá los derechos y las obligaciones establecidos en la Decisión 486 de la Comisión de la Comunidad Andina y en las demás disposiciones legales vigentes sobre propiedad industrial, precisando que para mantener vigente la patente se deberá cancelar la tasa anual de mantenimiento, conforme lo dispone el artículo 80 de la referida norma comunitaria.

ARTÍCULO TERCERO: Notificar el contenido de la presente resolución a DOW AGROSCIENCES LLC, advirtiéndole que contra ella procede el recurso de reposición, ante el Superintendente de Industria y Comercio, el cual podrá ser interpuesto en el momento de la notificación o dentro de los diez (10) días hábiles siguientes a ella.

NOTIFÍQUESE Y CÚMPLASE

Dada en Bogotá D.C., el 26 de abril de 2021



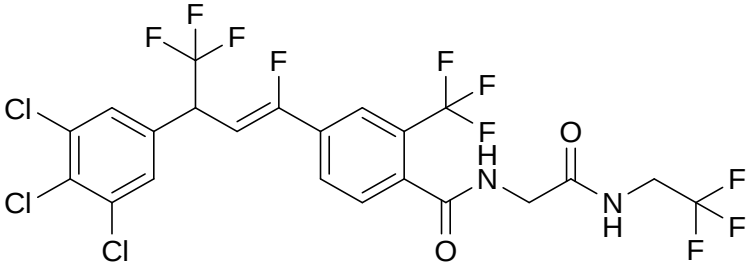
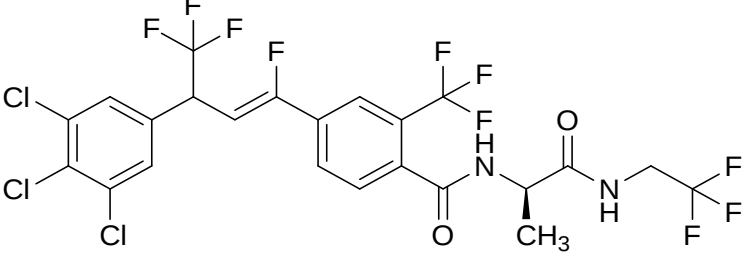
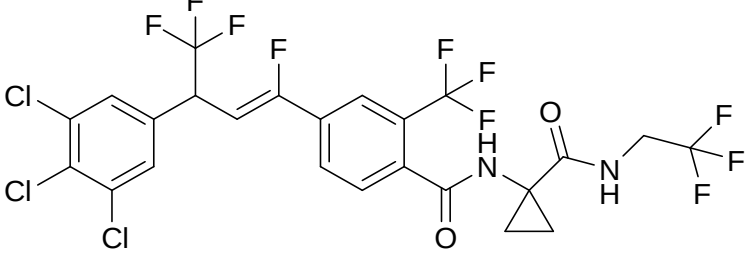
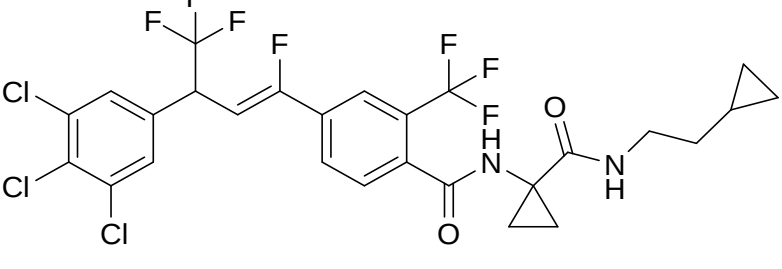
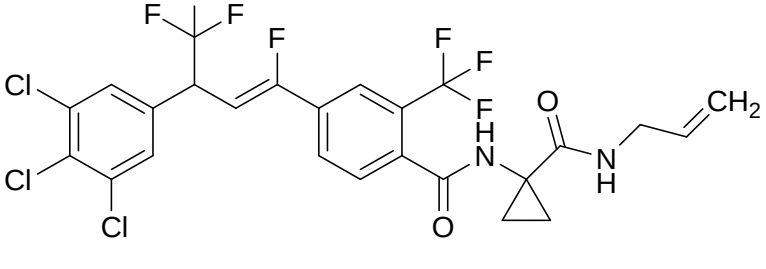
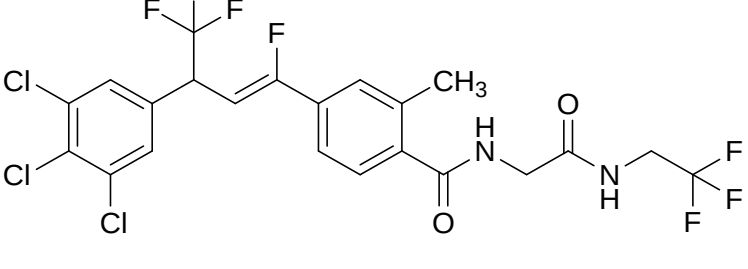
ANDRÉS BARRETO GONZÁLEZ
SUPERINTENDENTE DE INDUSTRIA Y COMERCIO

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por: ANDRÉS
BERNARDO BARRETO
GONZALEZ
Fecha: 2021.04.26
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Razón: Validez jurídica.
Ubicación: Bogotá,
Colombia.



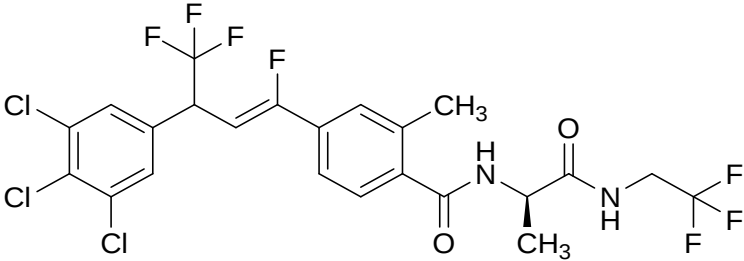
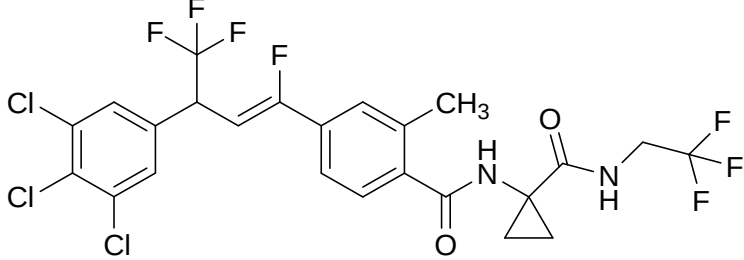
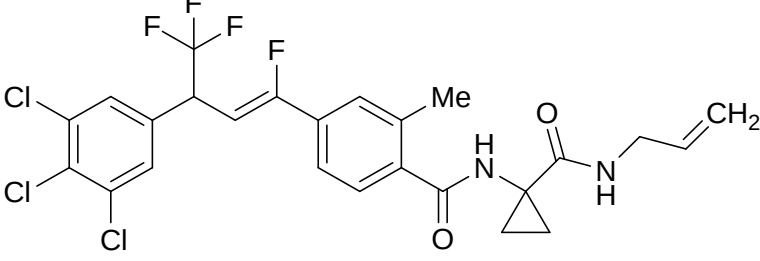
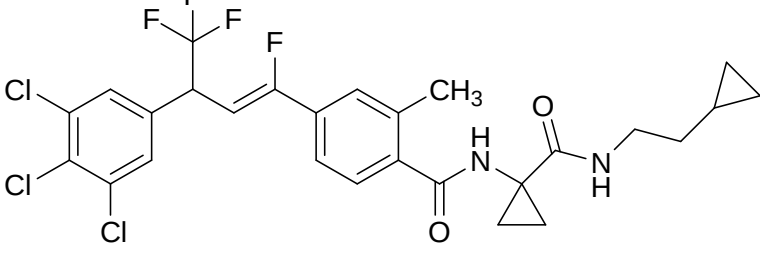
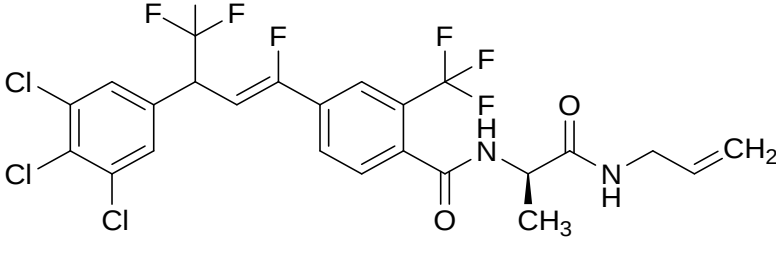
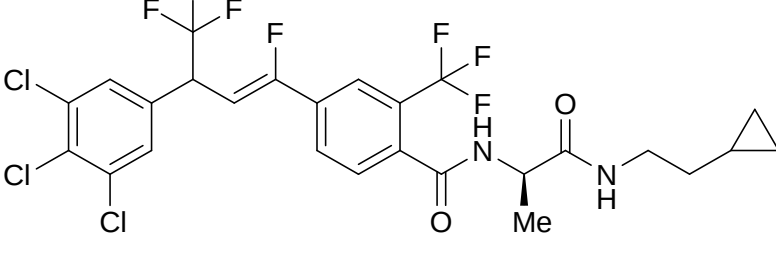
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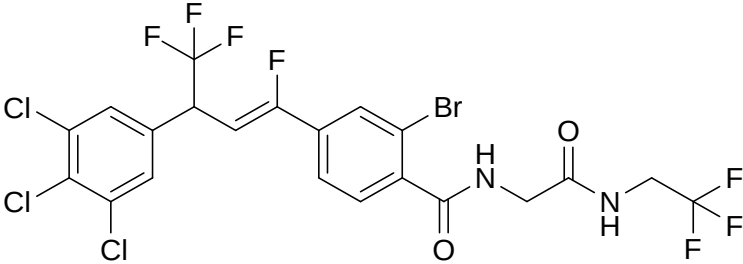
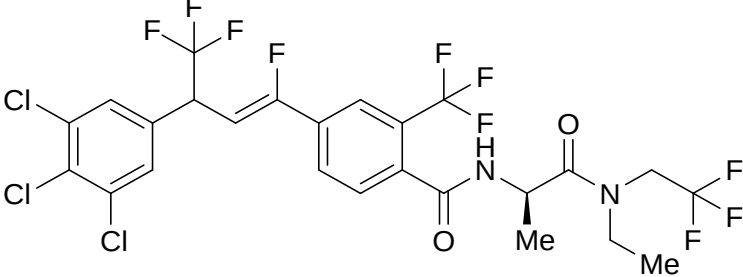
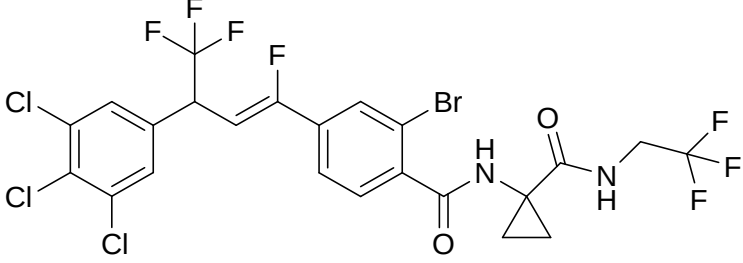
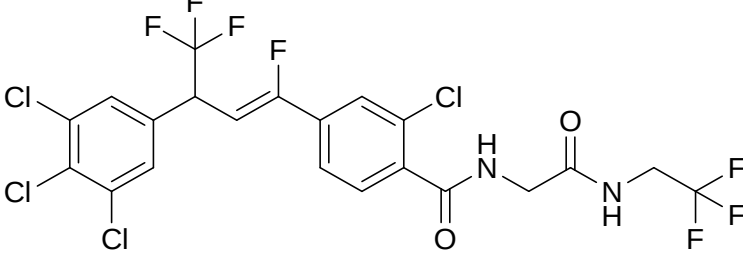
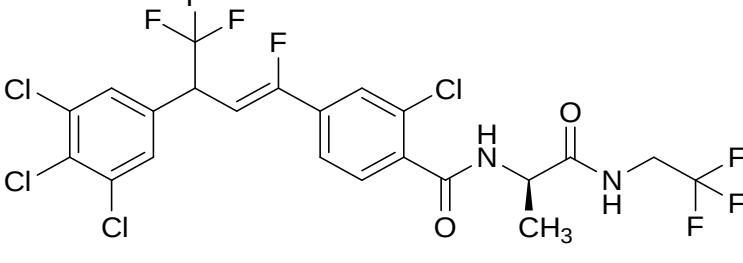
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F14	<chem>Clc1cc(Cl)cc(Cl)c1C(F)(F)F/C=C/Fc1ccc(cc1C)C(=O)N[C@H](C)C(=O)NCC=C</chem>
F15	<chem>Clc1cc(Cl)cc(Cl)c1C(F)(F)F/C=C/Fc1ccc(cc1C)C(=O)N[C@H](C)C(=O)NCC1CC1</chem>
F16	<chem>Clc1cc(Cl)cc(Cl)c1C(F)(F)F/C=C/Fc1ccc(cc1C(F)(F)F)C(=O)N[C@H](C)C(=O)NCCCC</chem>
F17	<chem>Clc1cc(Cl)cc(Cl)c1C(F)(F)F/C=C/Fc1ccc(cc1C(F)(F)F)C(=O)N[C@H](C)C(=O)NCC(F)(F)F</chem>
F18	<chem>Clc1cc(Cl)cc(Cl)c1C(F)(F)F/C=C/Fc1ccc(cc1Br)C(=O)N[C@H](C)C(=O)NCC(F)(F)F</chem>

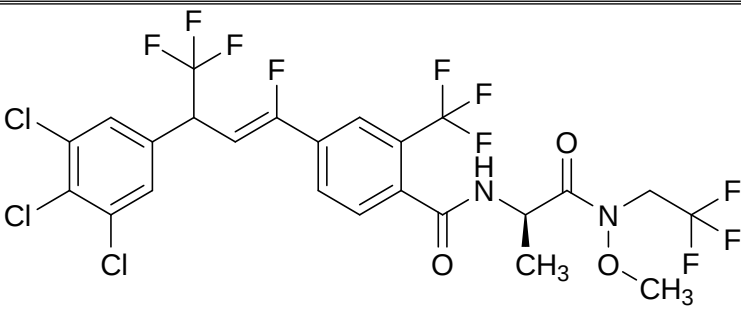
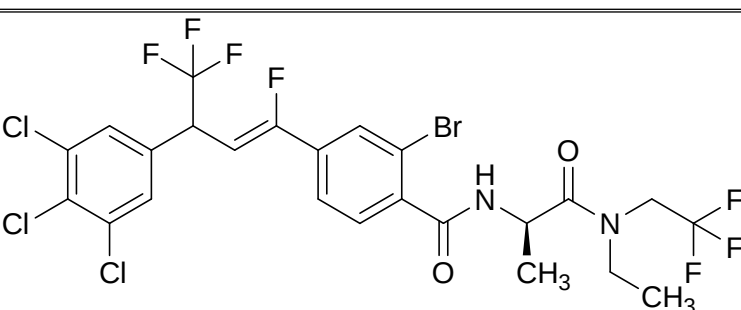
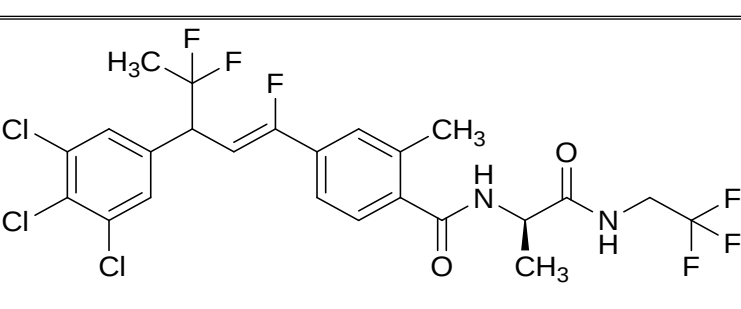
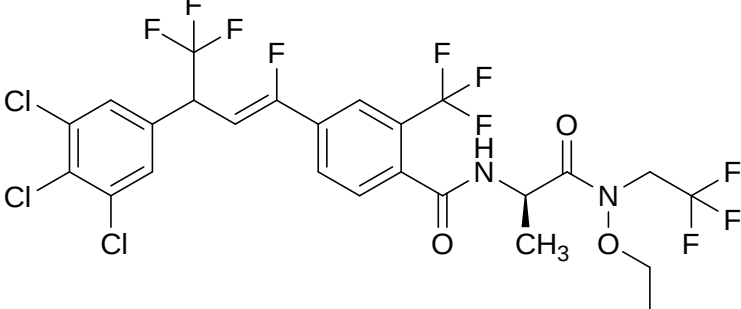
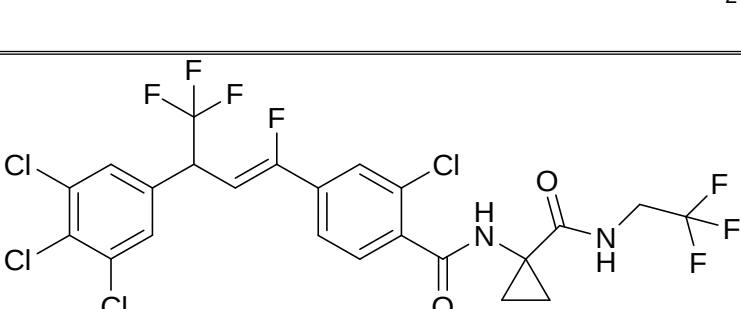
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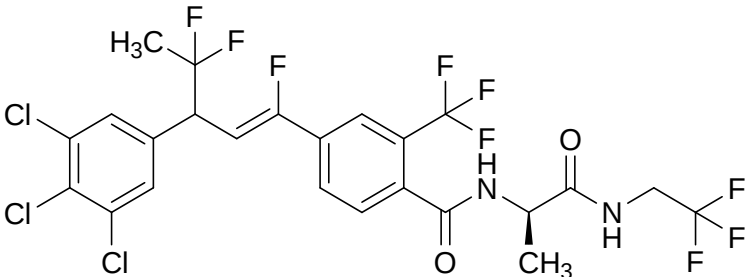
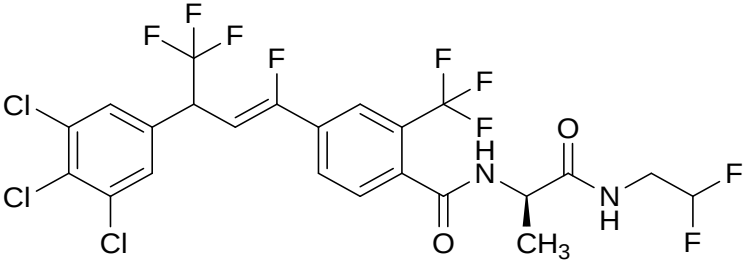
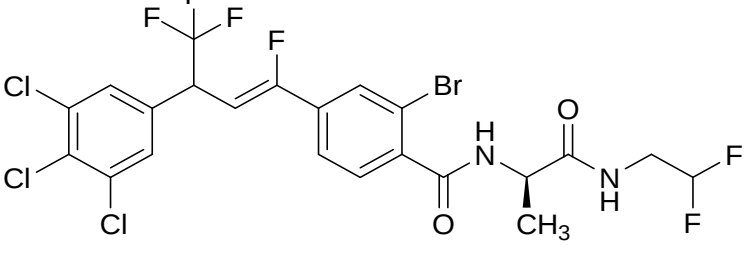
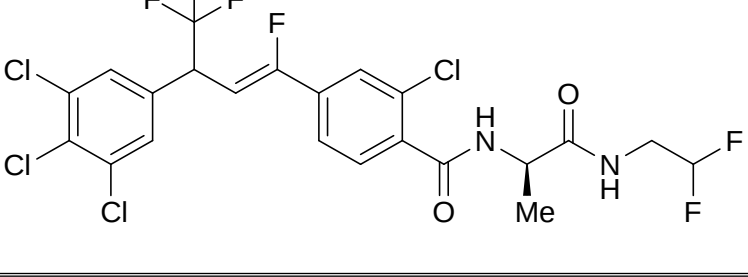
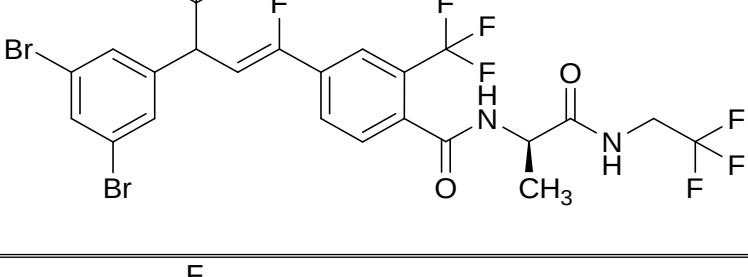
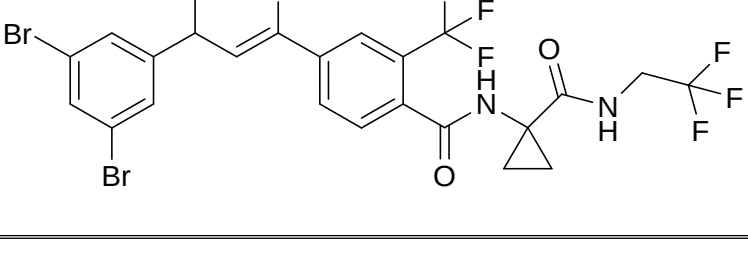
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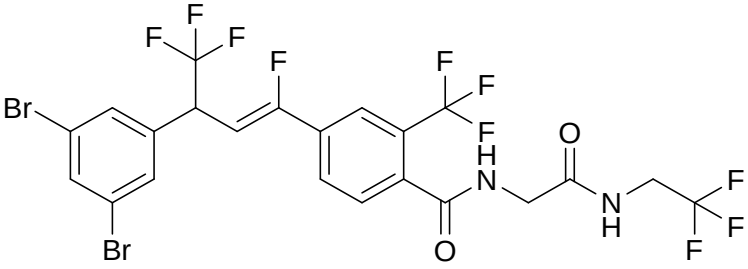
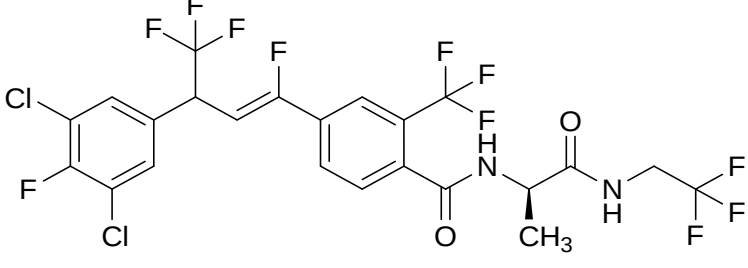
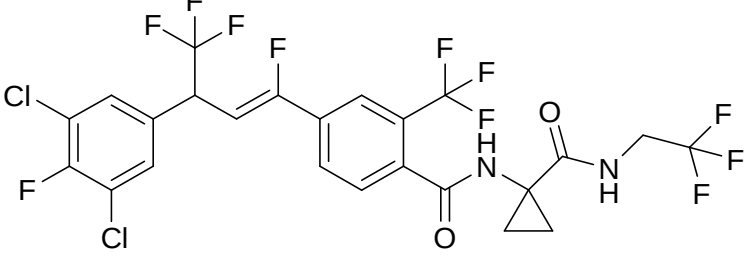
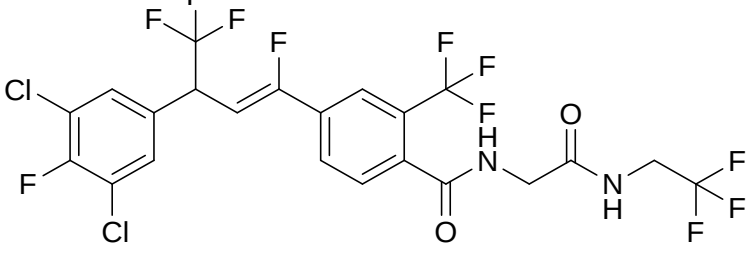
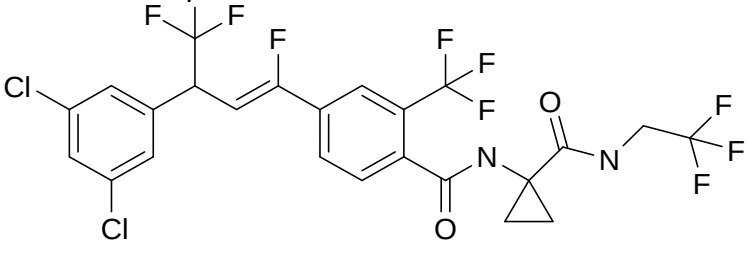
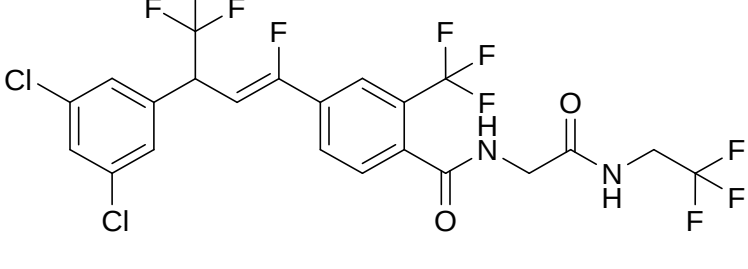
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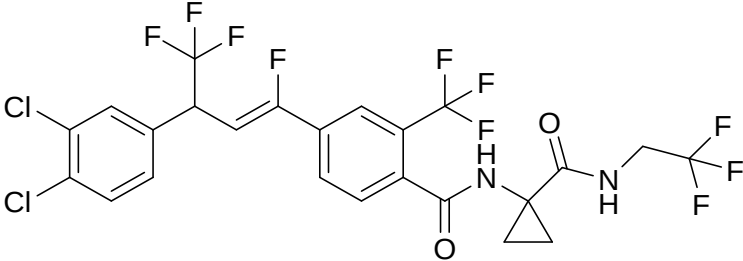
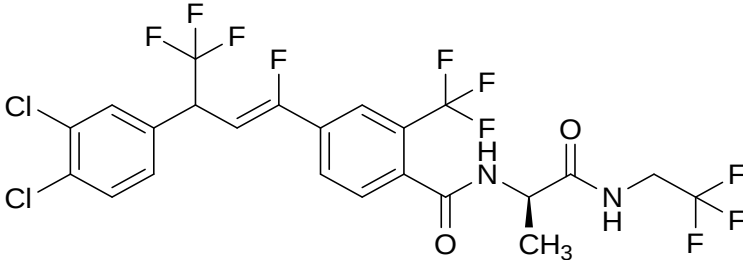
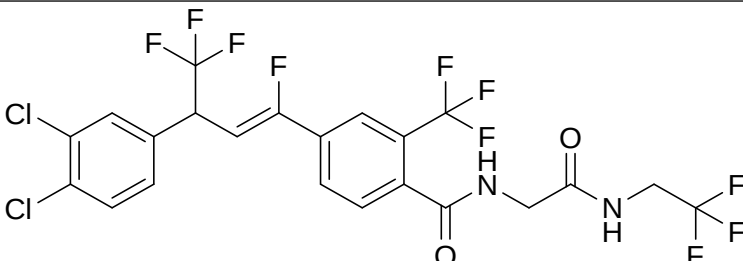
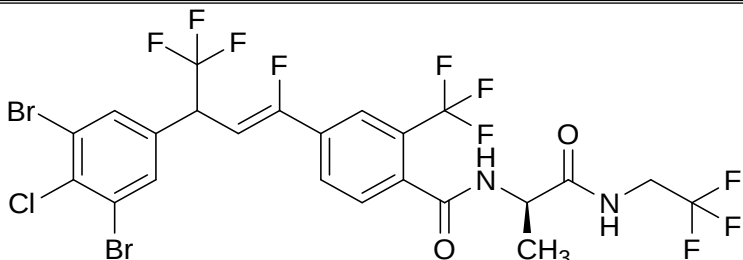
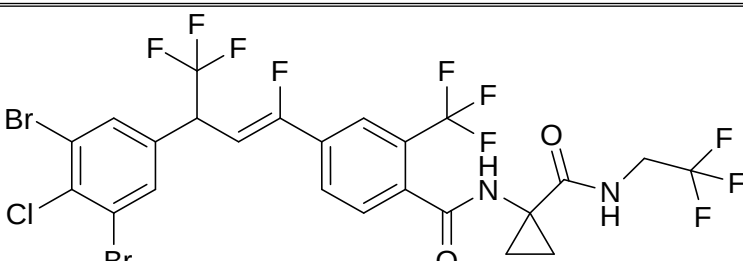
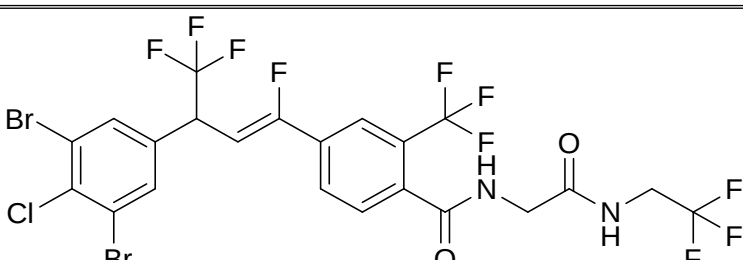
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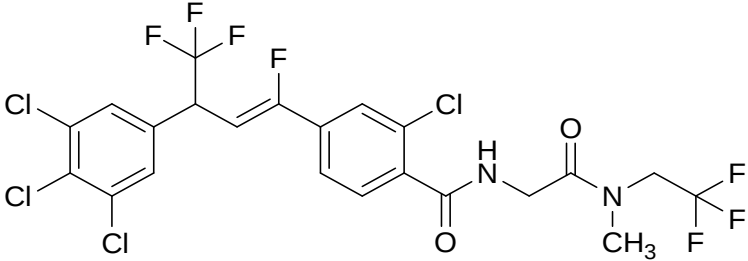
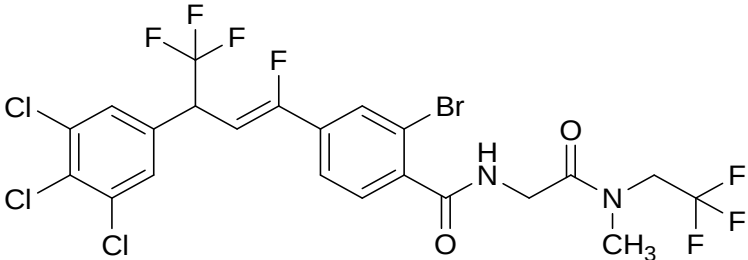
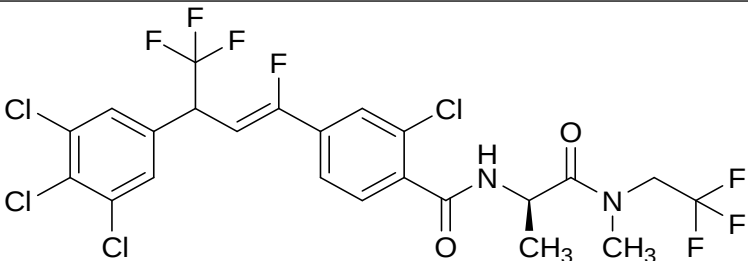
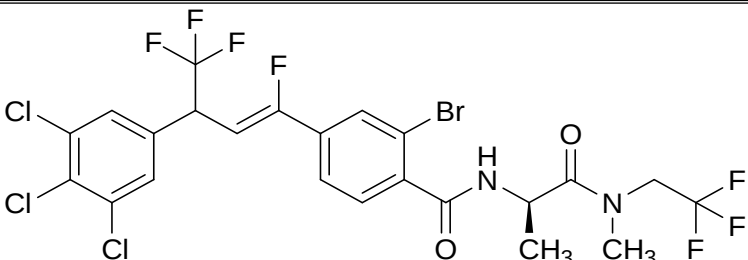
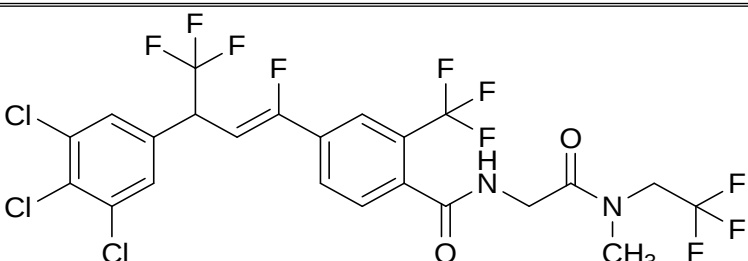
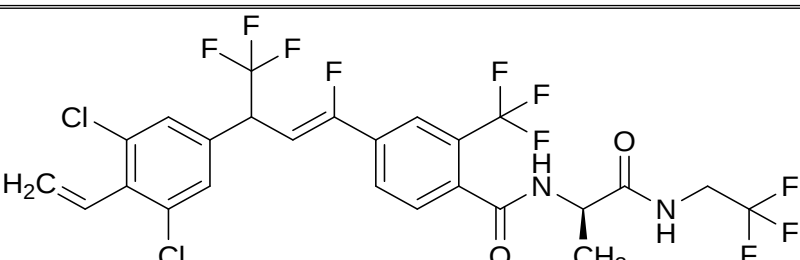
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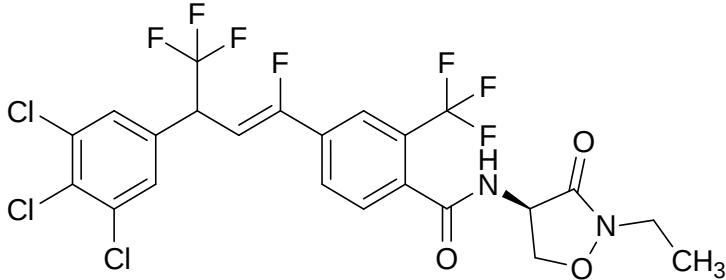
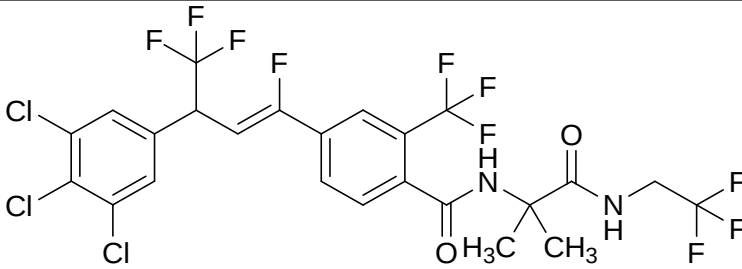
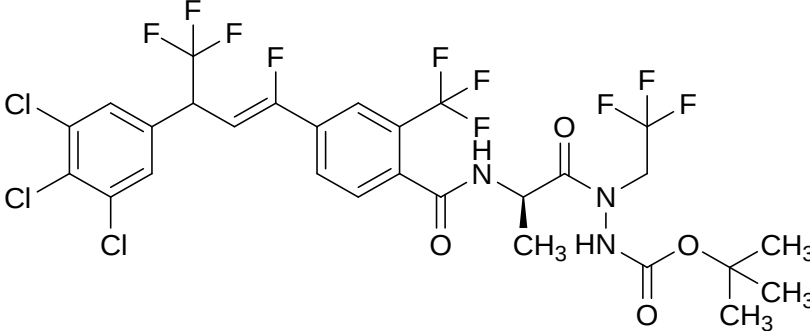
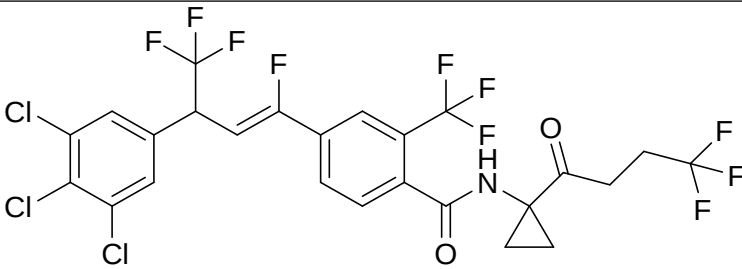
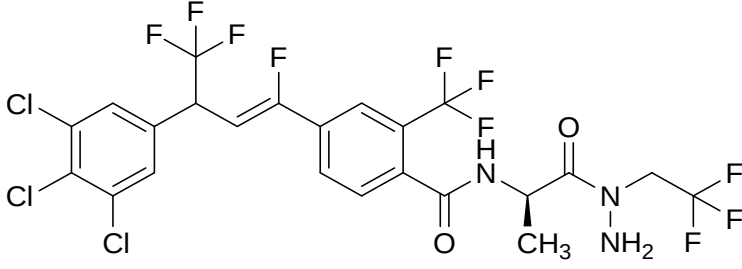
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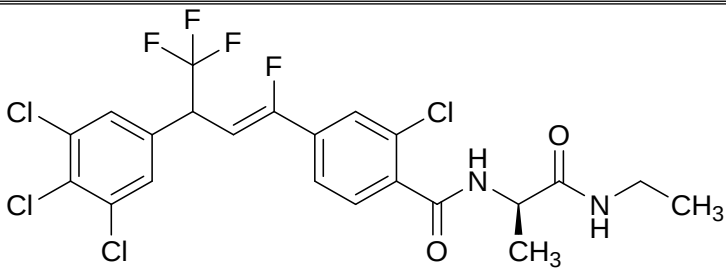
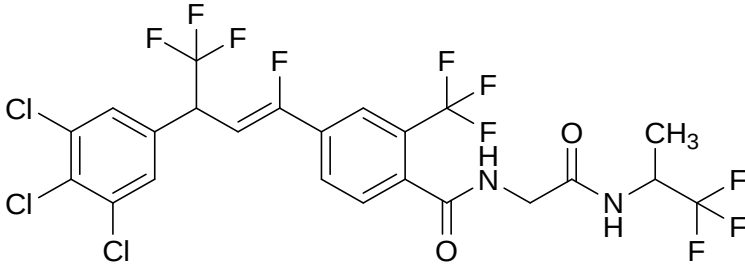
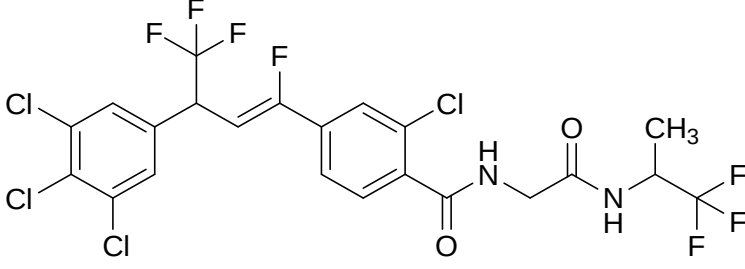
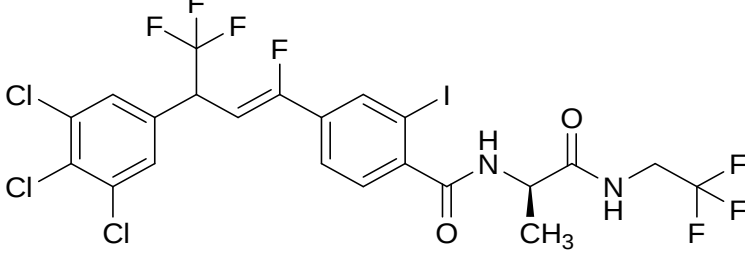
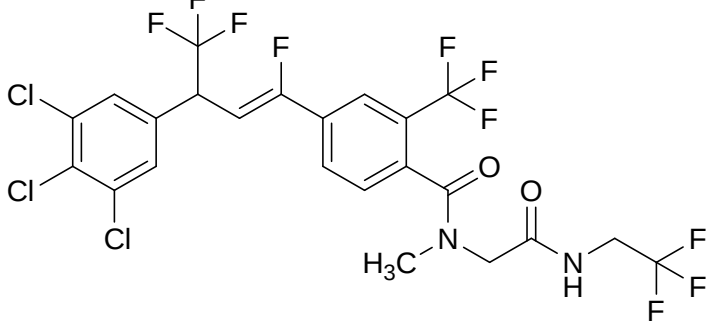
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F59	<chem>Clc1cc(Br)cc(Cl)c1C(F)(F)C(F)=C(F)c2ccc3c(c2)C(F)(F)C(=O)N3[C@H](C)C(=O)NCC(F)(F)F</chem>
F60	<chem>Clc1cc(Br)cc(Cl)c1C(F)(F)C(F)=C(F)c2ccc3c(c2)C(F)(F)C(=O)N3C4CC4C(=O)NCC(F)(F)F</chem>
F61	<chem>C=Cc1cc(Cl)cc(Cl)c1C(F)(F)C(F)=C(F)c2ccc3c(c2)C(F)(F)C(=O)N3CC(=O)NCC(F)(F)F</chem>
F62	<chem>Clc1cc(Cl)cc(Cl)c1C(F)(F)C(F)=C(F)c2ccc3c(c2)C(F)(F)C(=O)N3CC(=O)NCC(F)(F)F</chem>
F63	<chem>Clc1cc(Cl)cc(Cl)c1C(F)(F)C(F)=C(F)c2ccc3c(c2)C(F)(F)C(=O)N3[C@H](C)C(=O)NCC</chem>

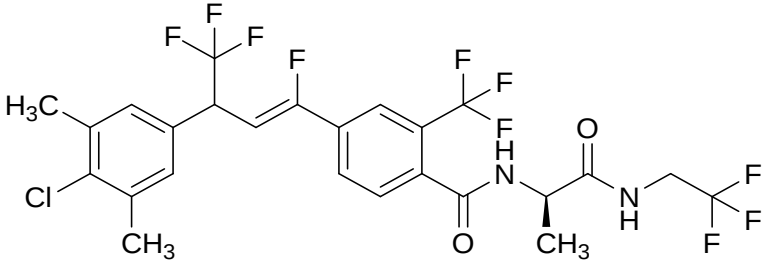
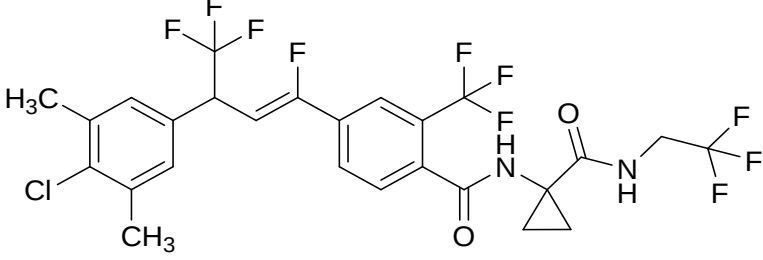
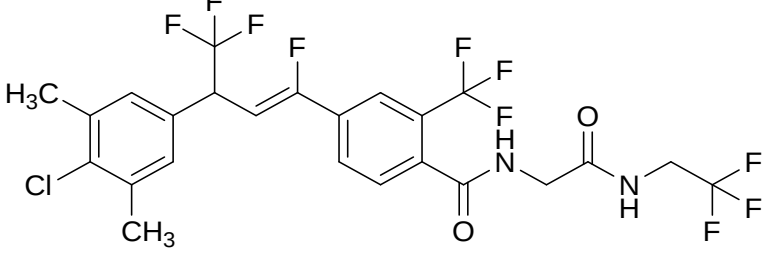
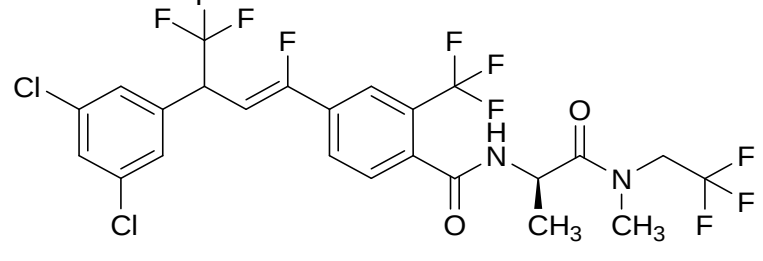
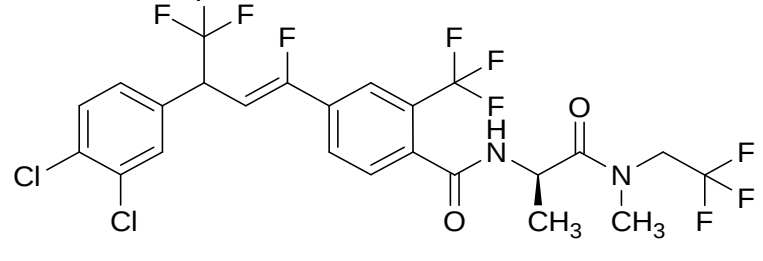
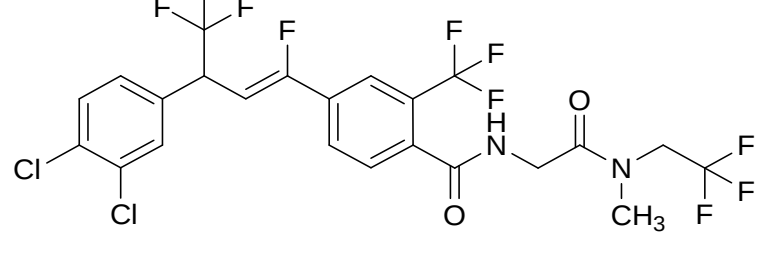
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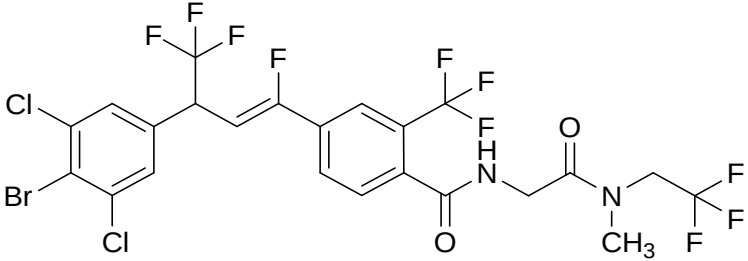
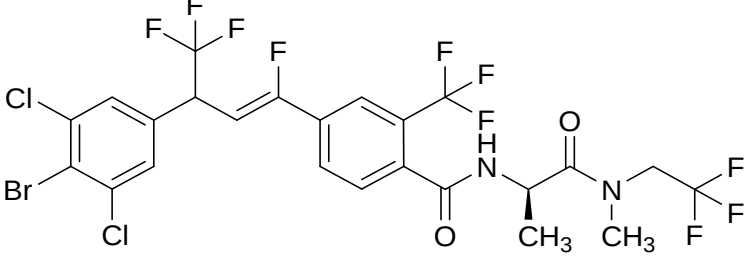
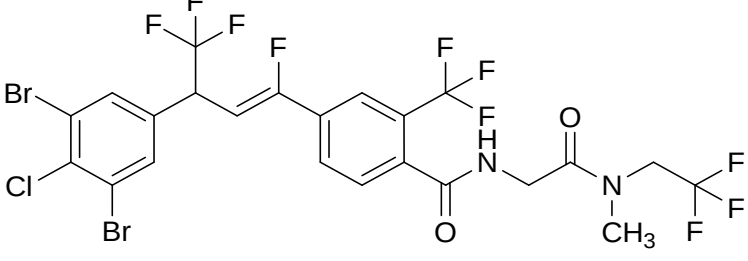
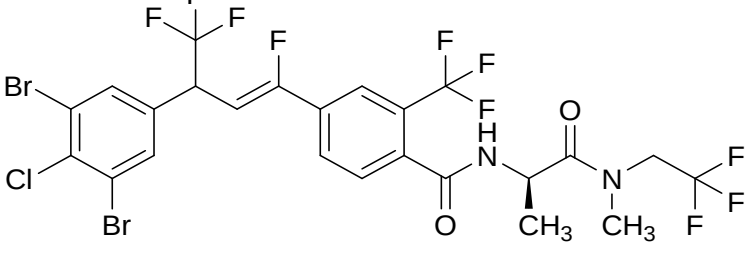
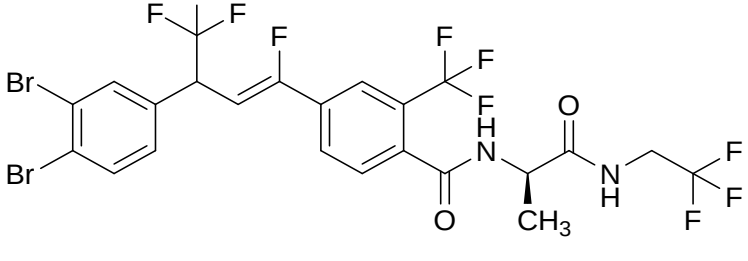
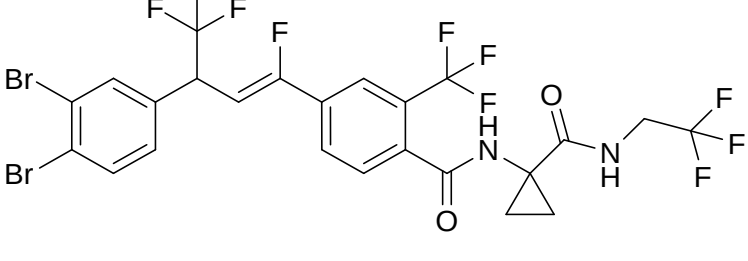
Resolución N° **24344**

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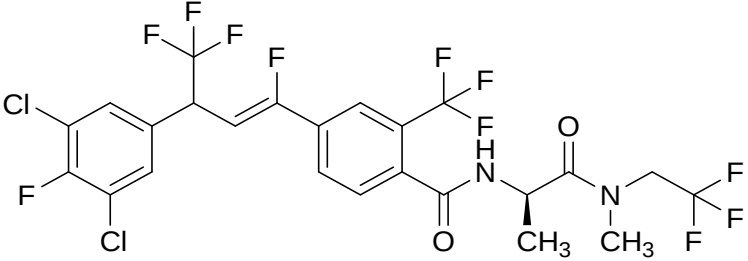
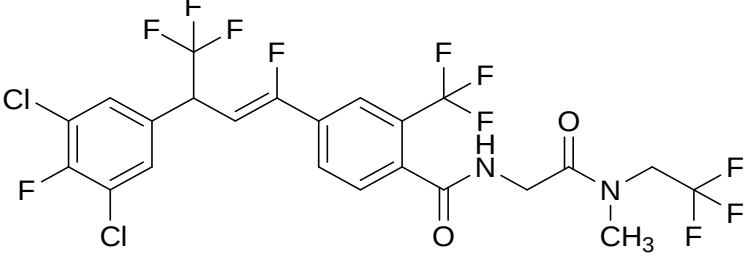
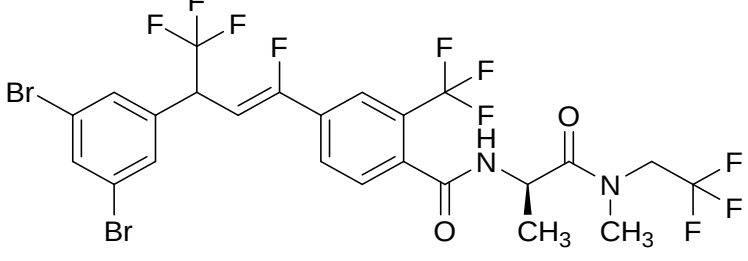
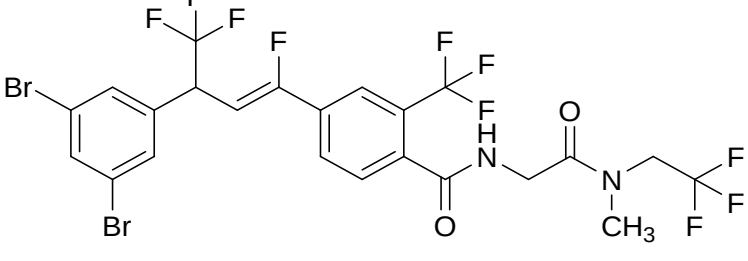
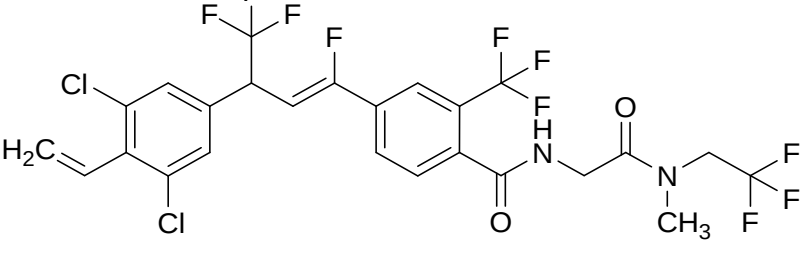
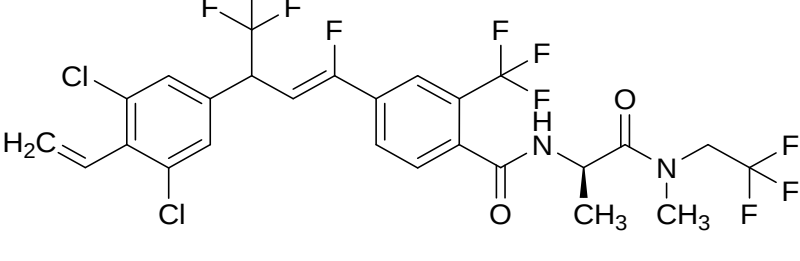
Resolución N° 24344

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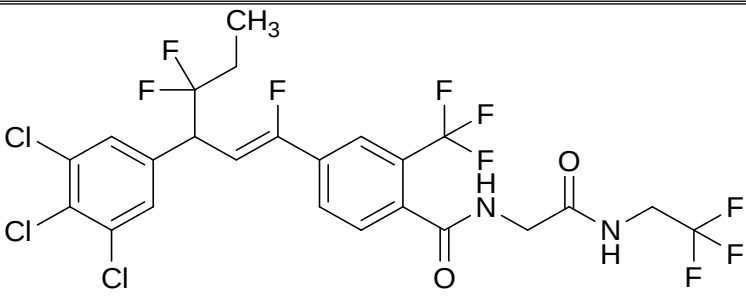
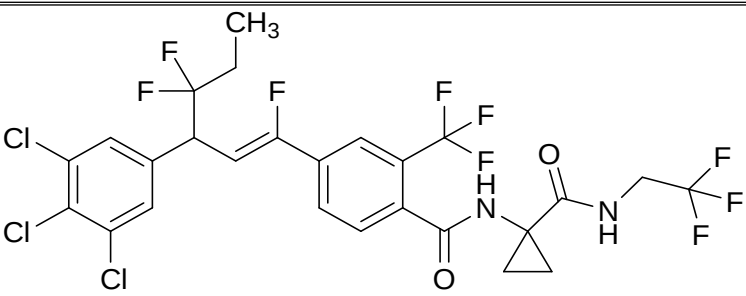
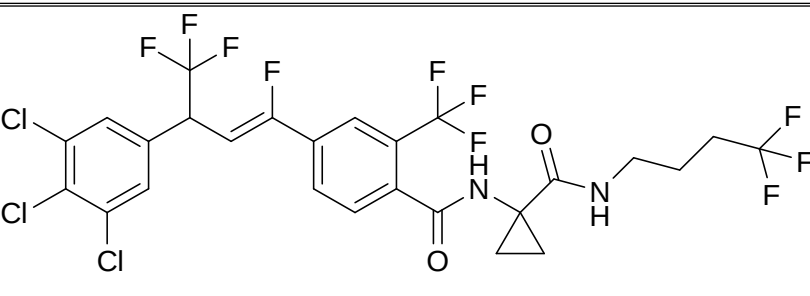
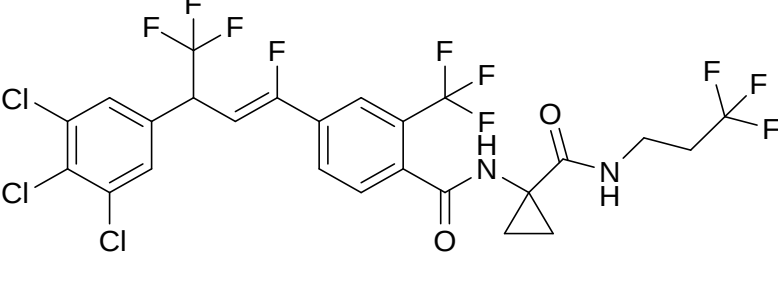
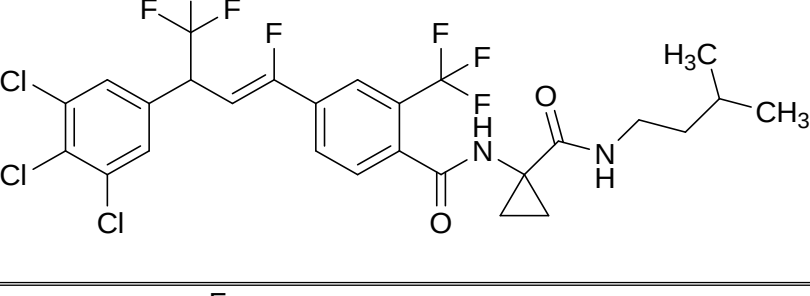
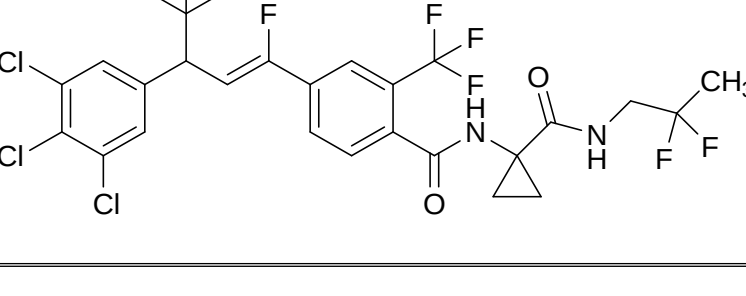
Resolución N° **24344**

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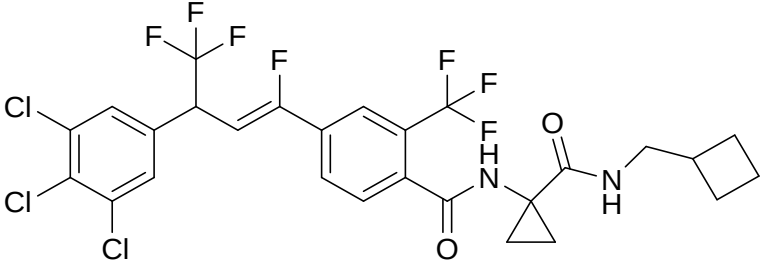
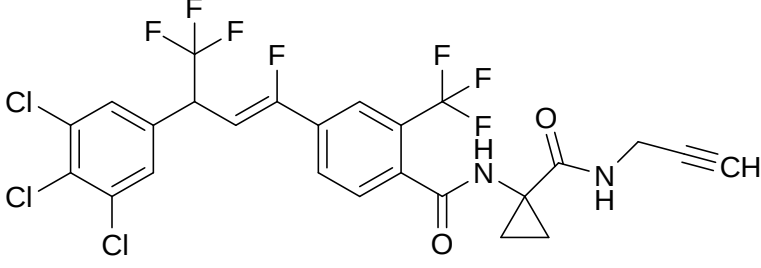
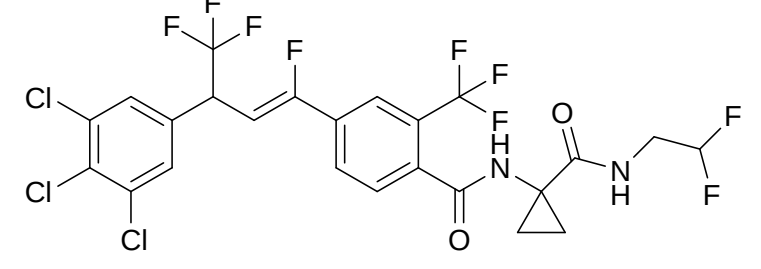
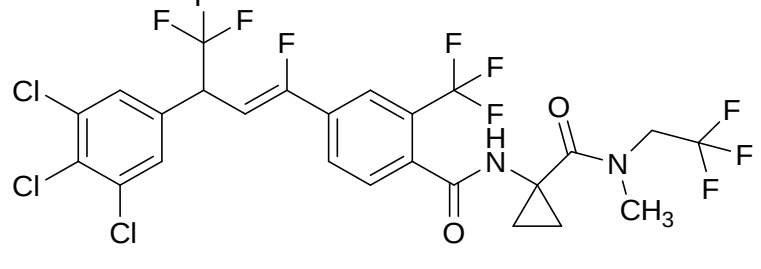
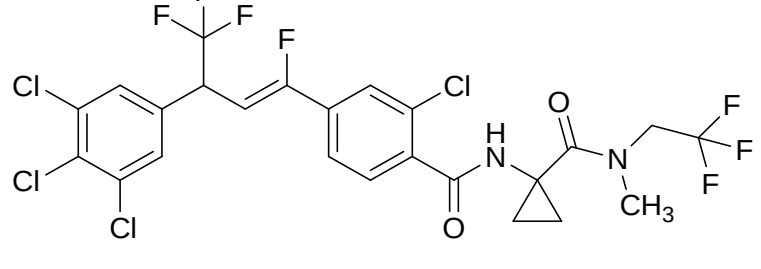
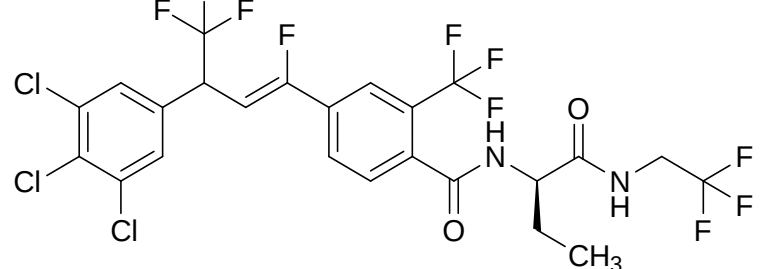
Resolución N° 24344

Ref. Expediente N° NC2018/0008733

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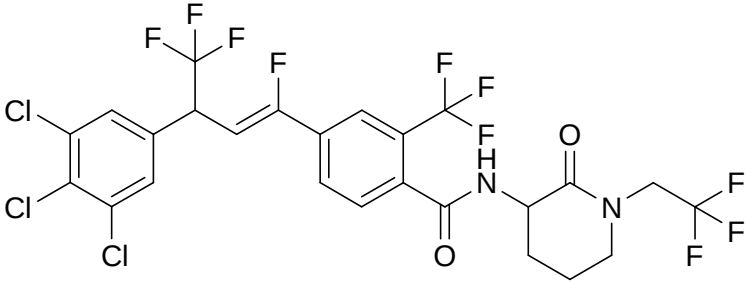
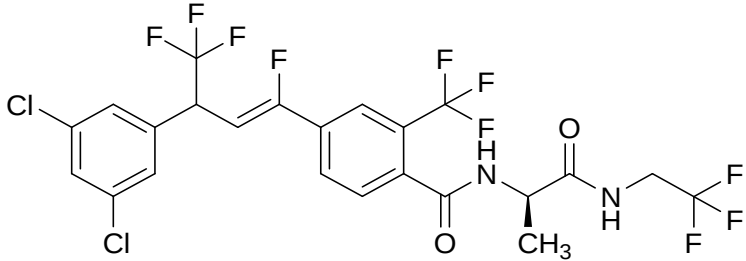
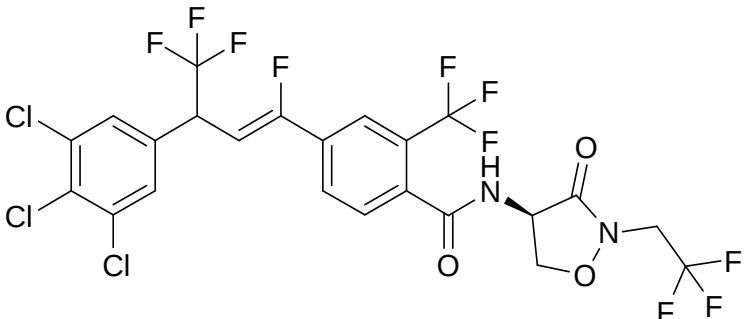
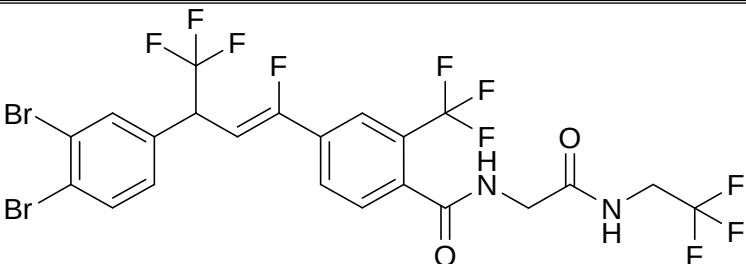
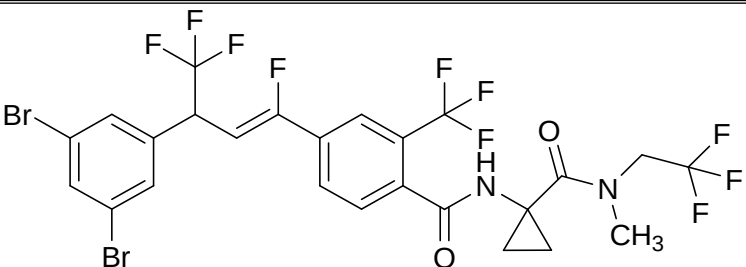
Resolución N° **24344**

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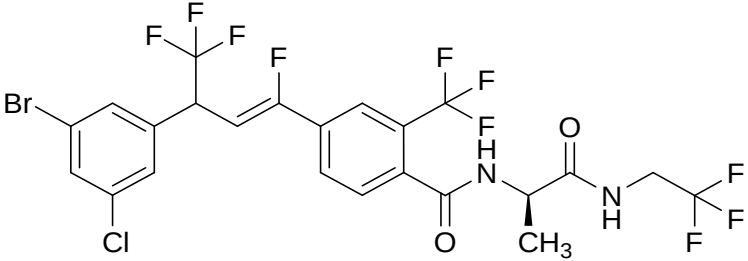
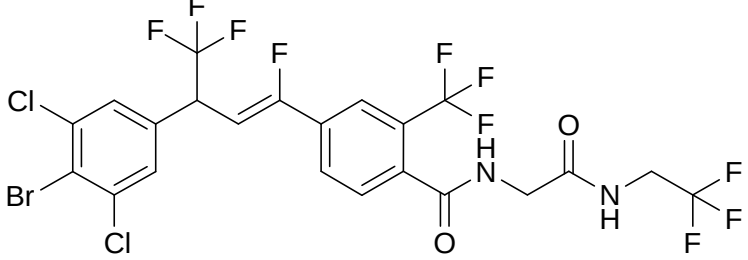
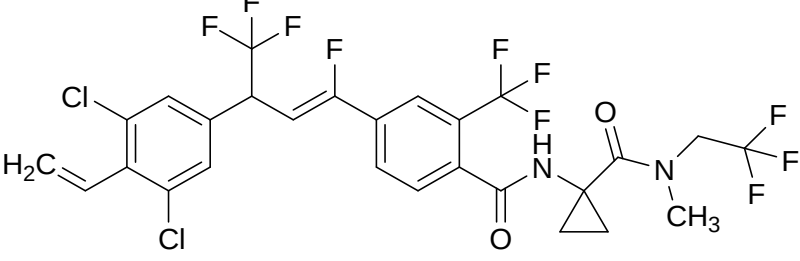
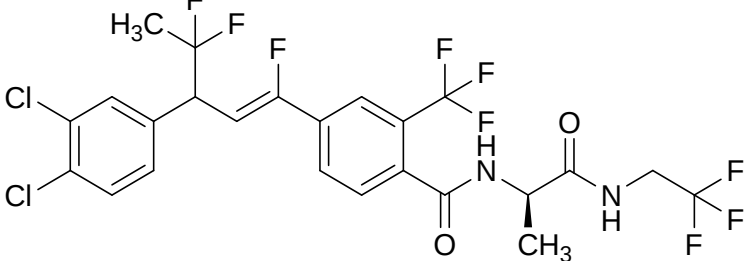
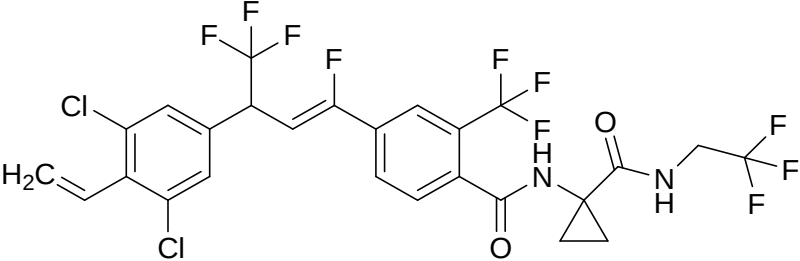
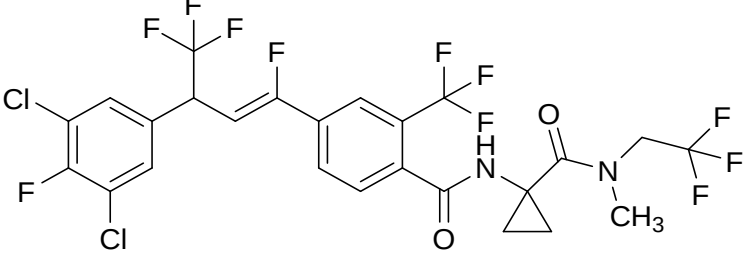
Resolución N° 24344

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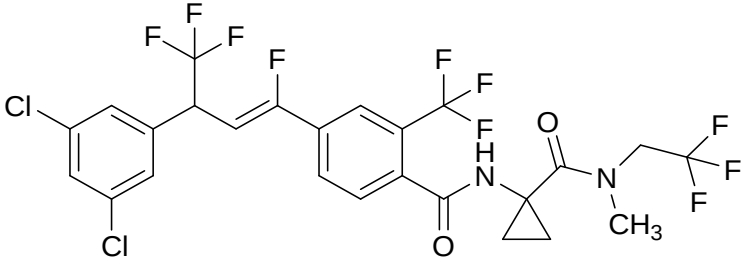
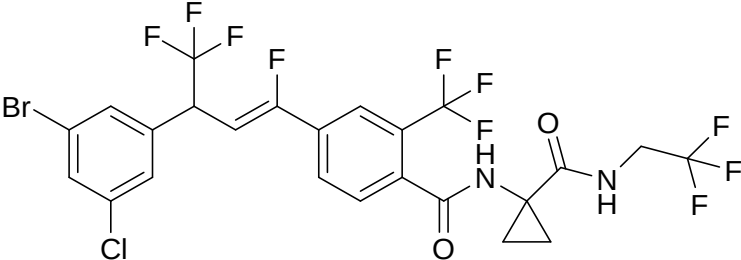
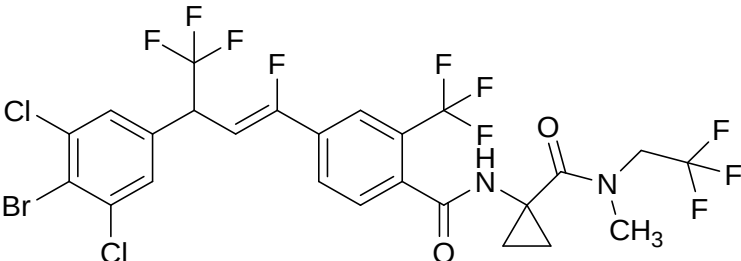
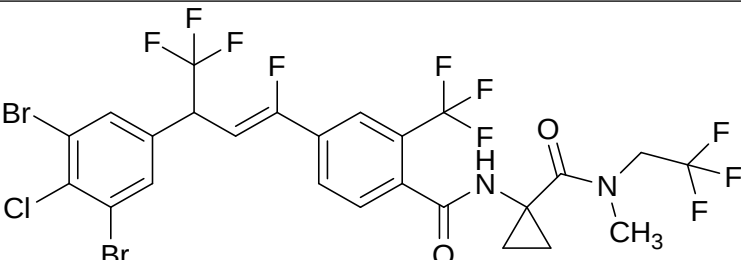
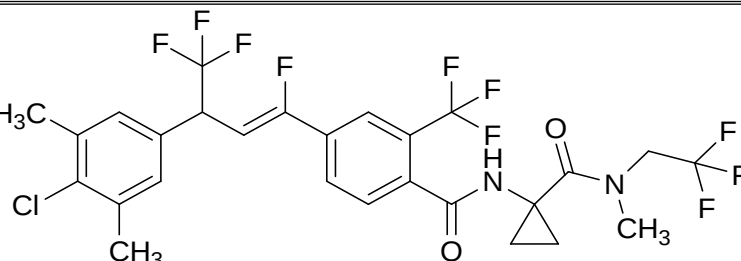
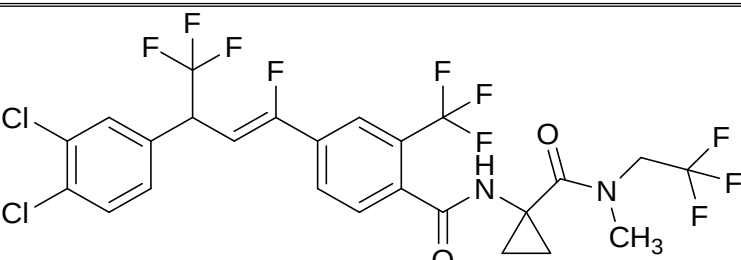
Resolución N° **24344**

Ref. Expediente N° NC2018/0008733

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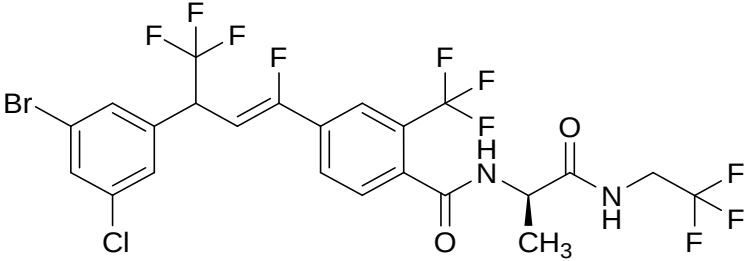
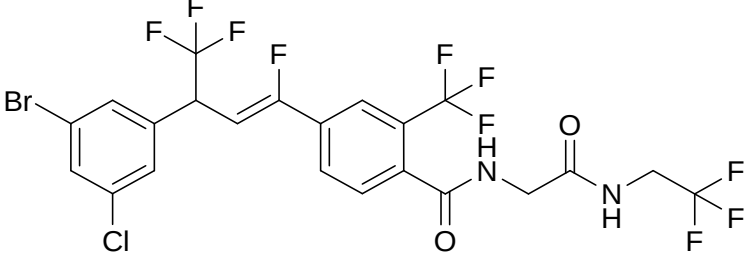
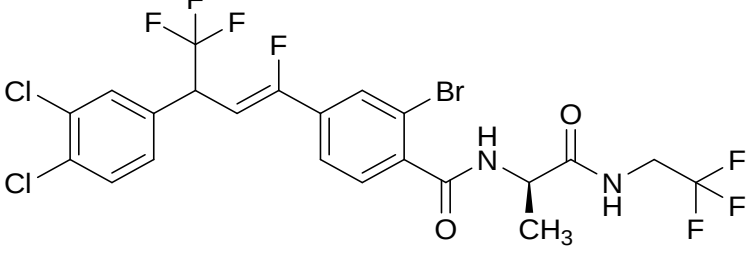
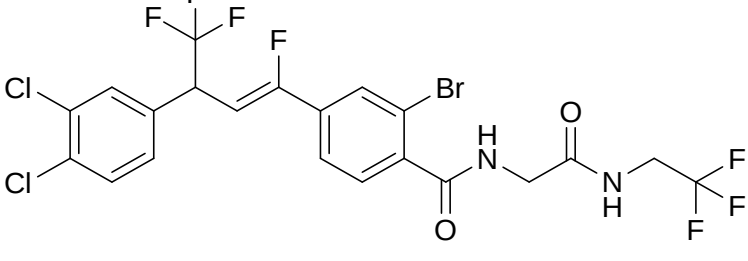
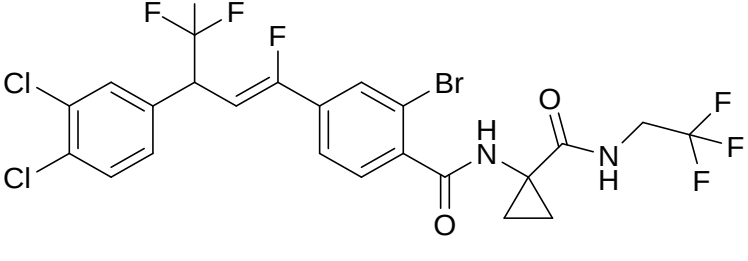
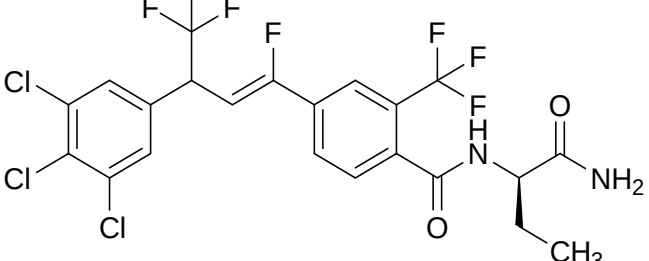
Resolución N° **24344**

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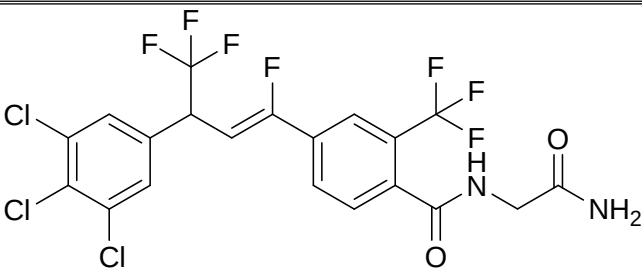
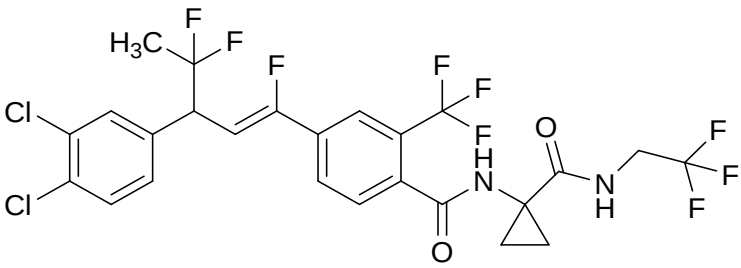
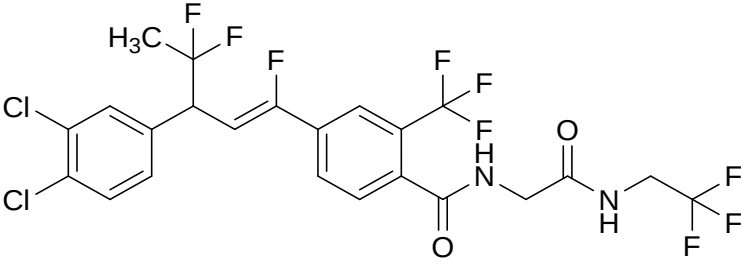
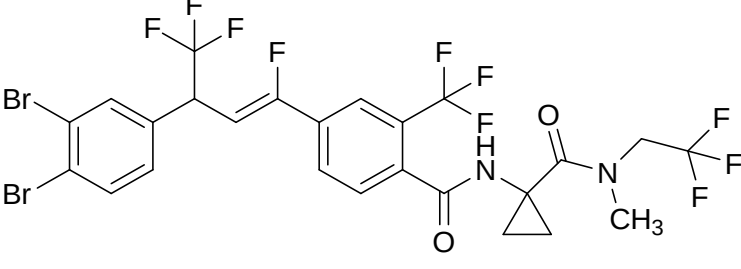
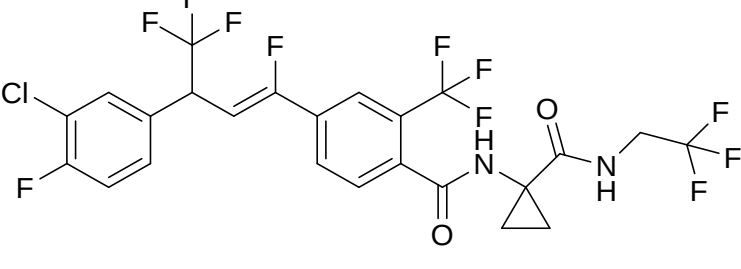
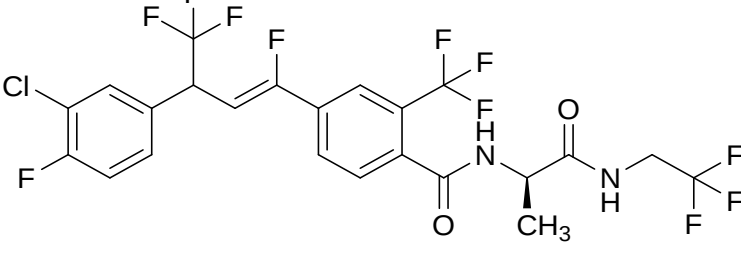
Resolución N° 24344

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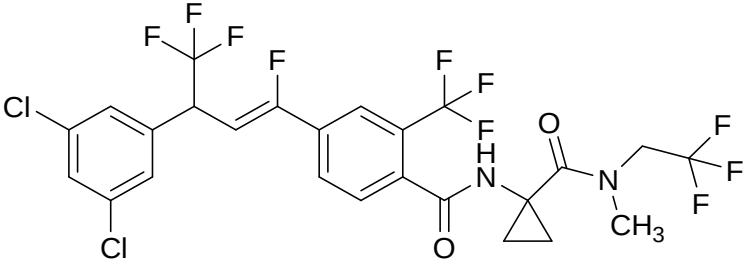
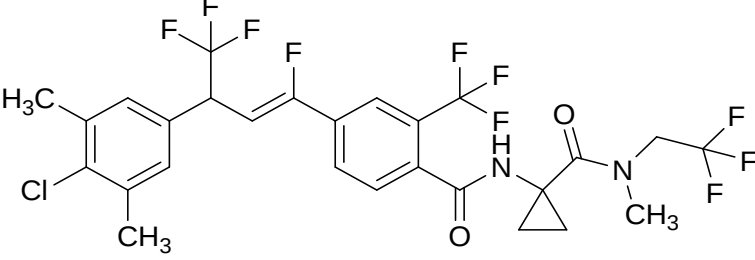
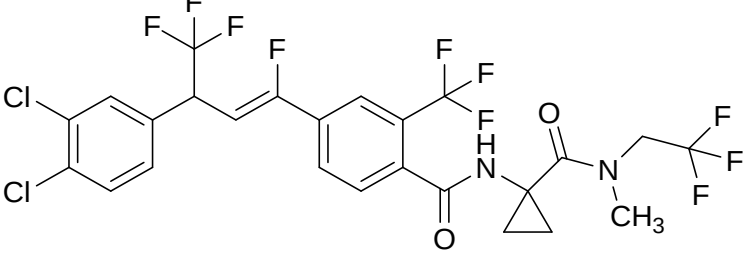
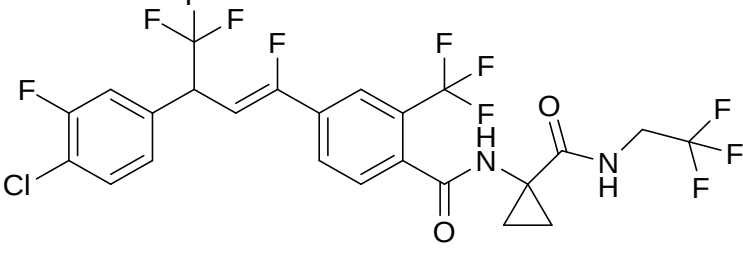
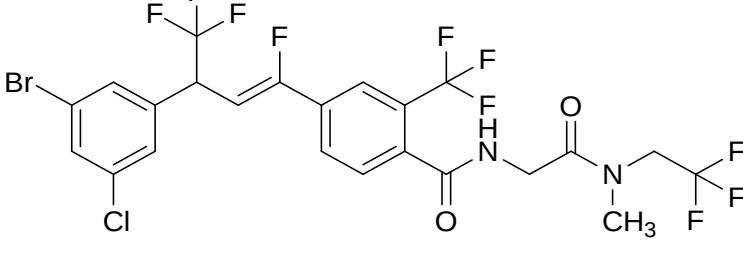
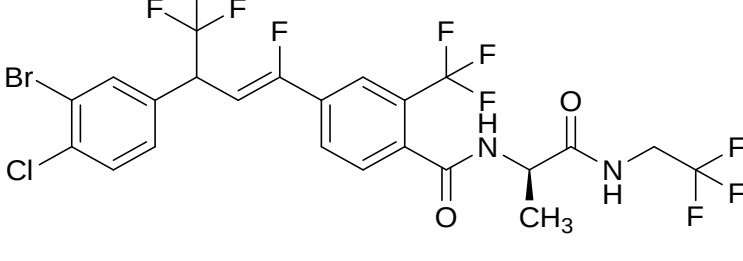
Resolución N° **24344**

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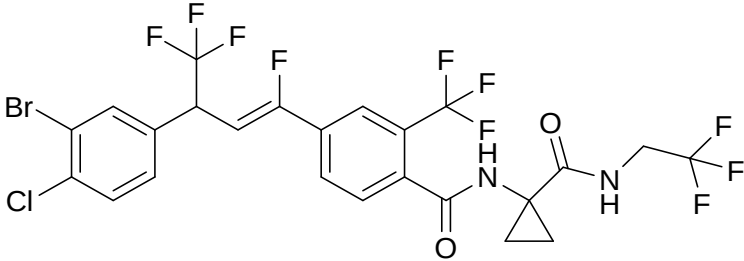
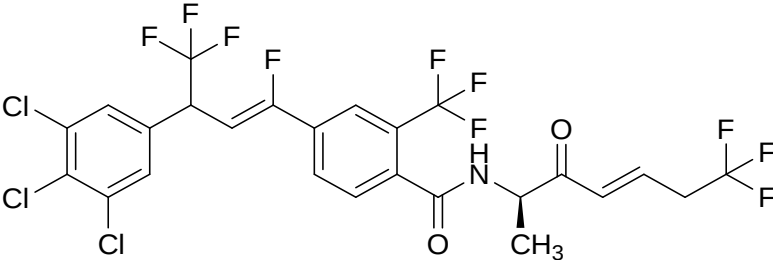
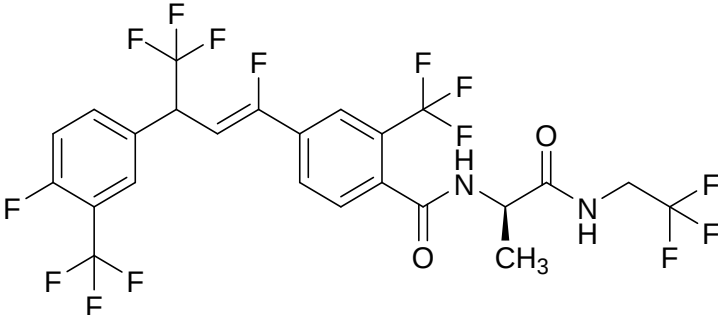
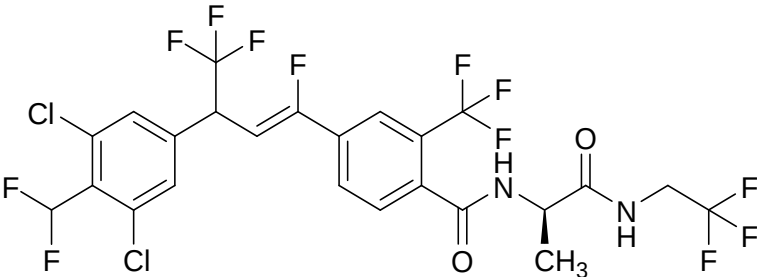
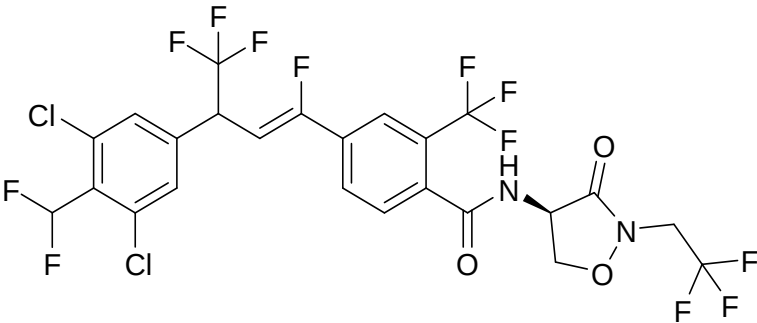
Resolución N° 24344

Ref. Expediente N° NC2018/0008733

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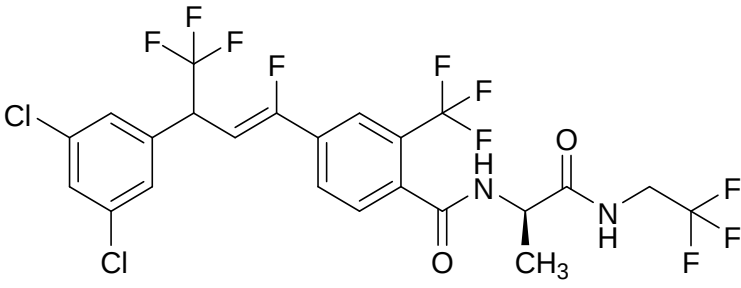
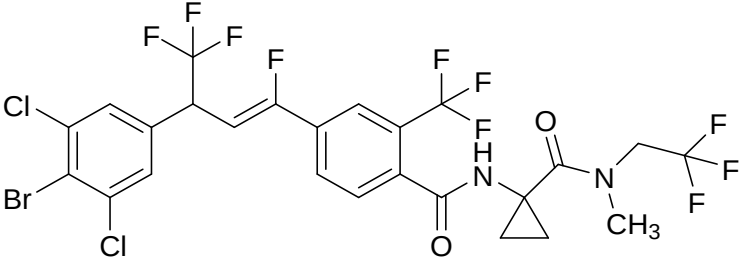
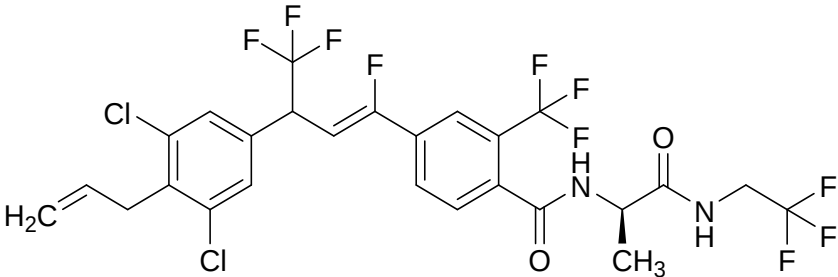
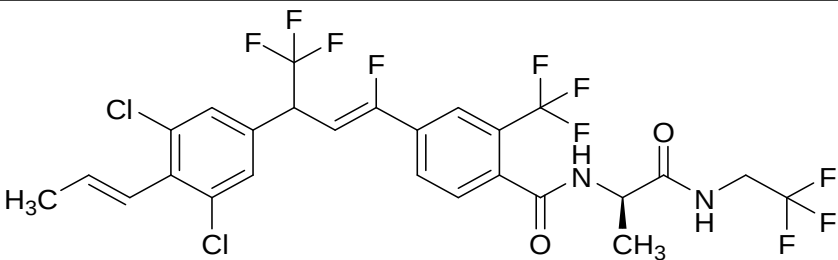
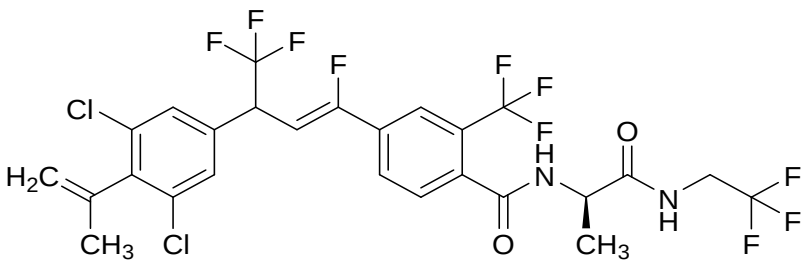
Resolución N° **24344**

Ref. Expediente N° NC2018/0008733

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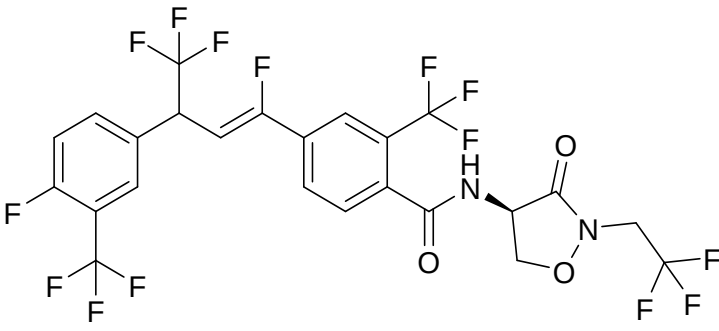
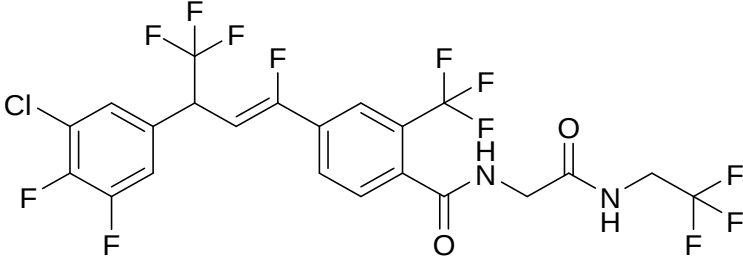
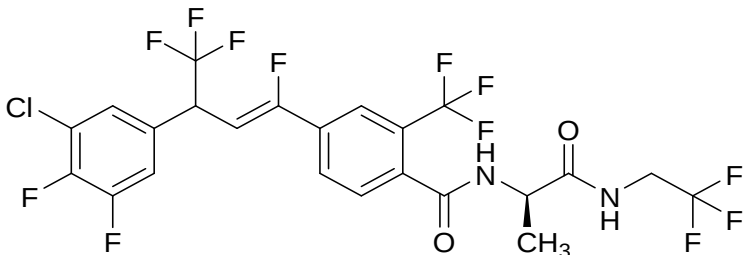
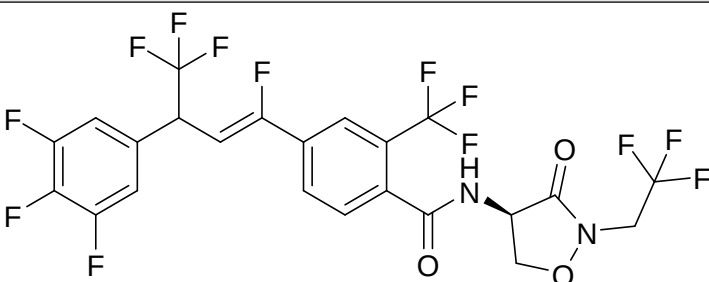
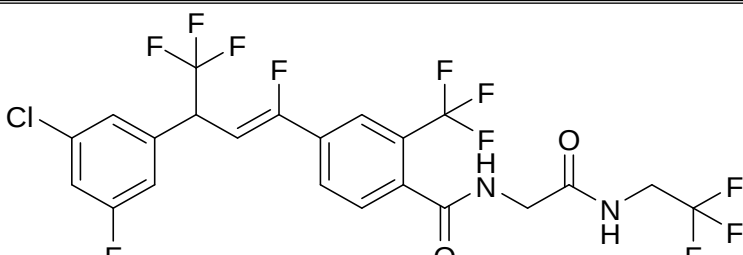
Resolución N° **24344**

Ref. Expediente N° NC2018/0008733

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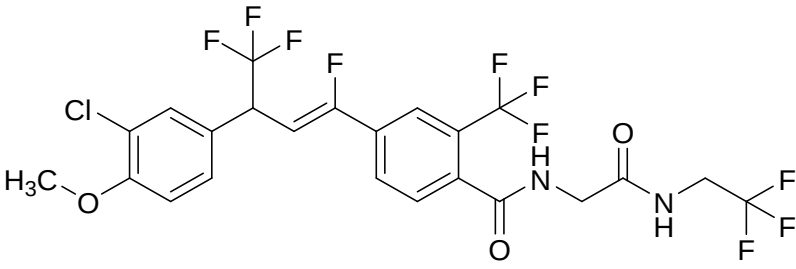
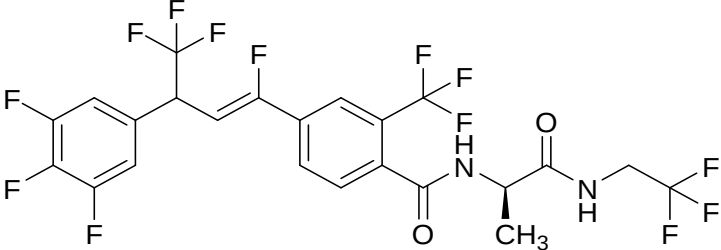
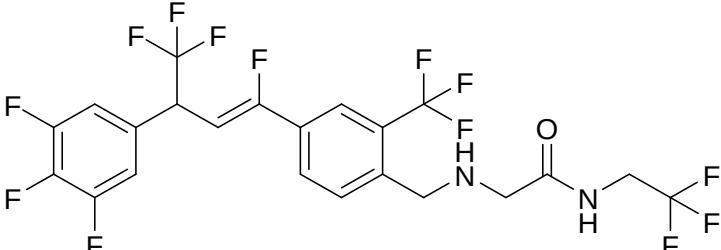
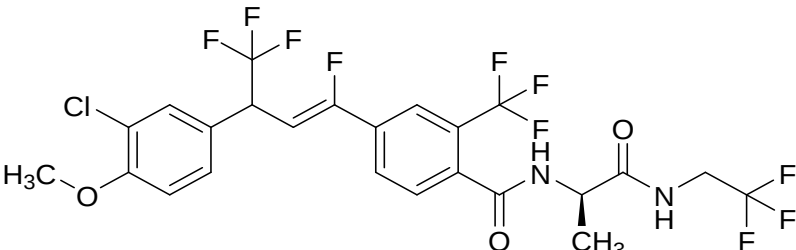
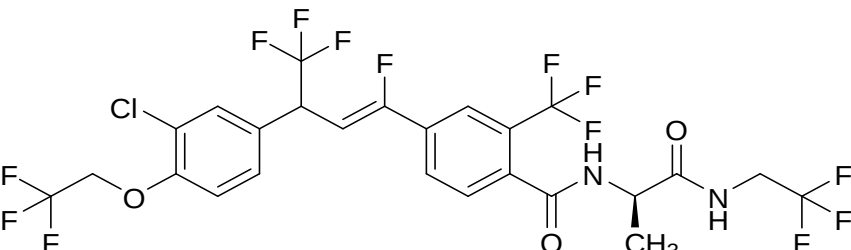
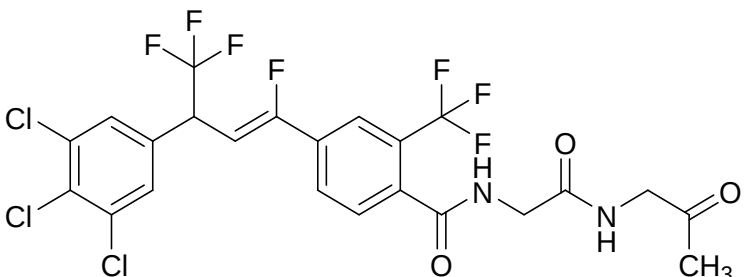
Resolución N° 24344

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Resolución N° 24344

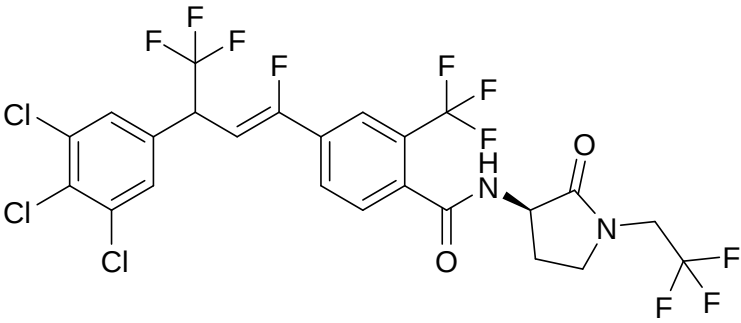
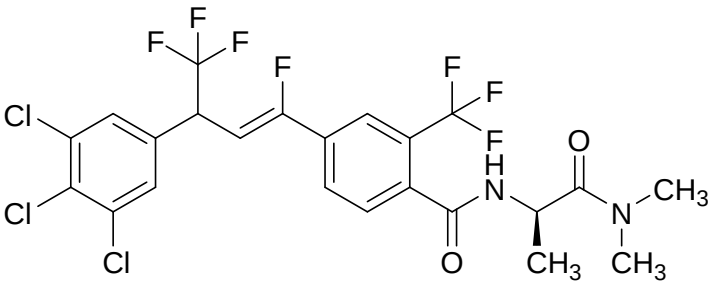
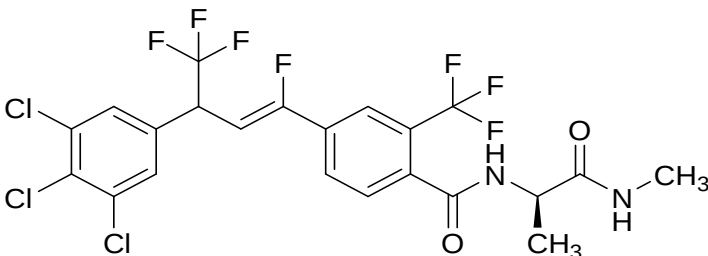
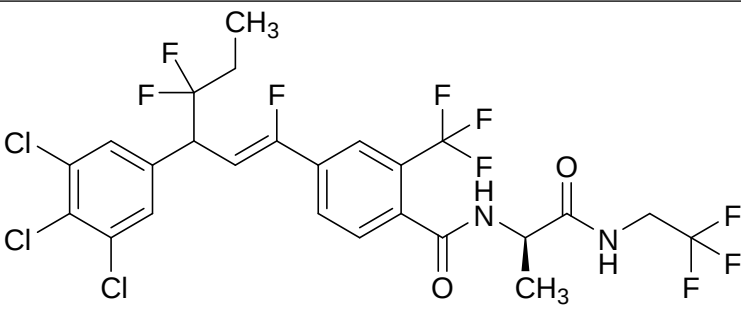
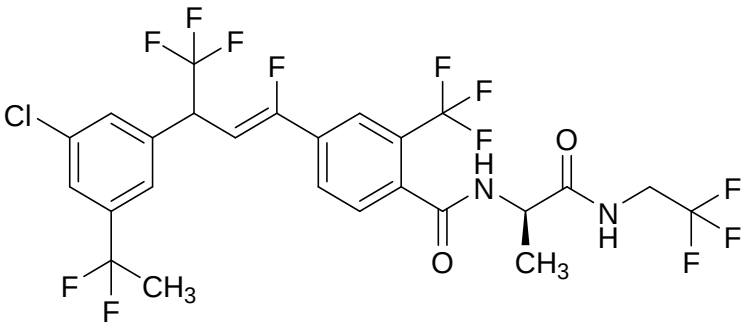
Ref. Expediente N° NC2018/0008733

F158	
F159	
F160	
F161	
F162	
F163	

Resolución N° 24344

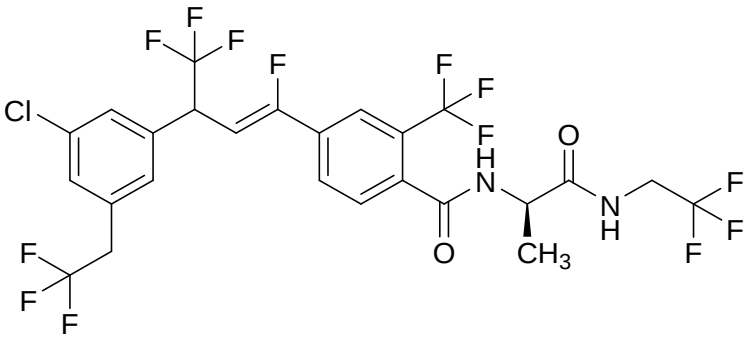
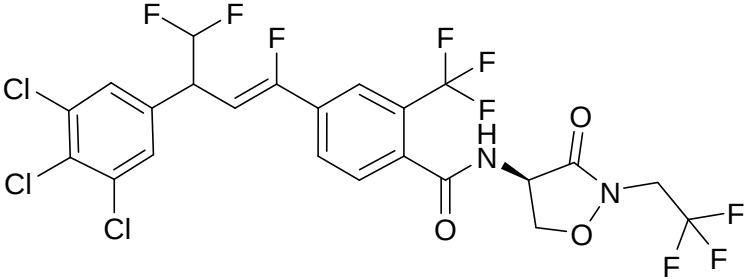
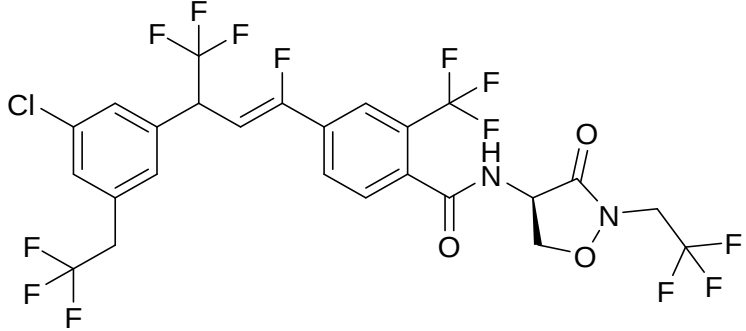
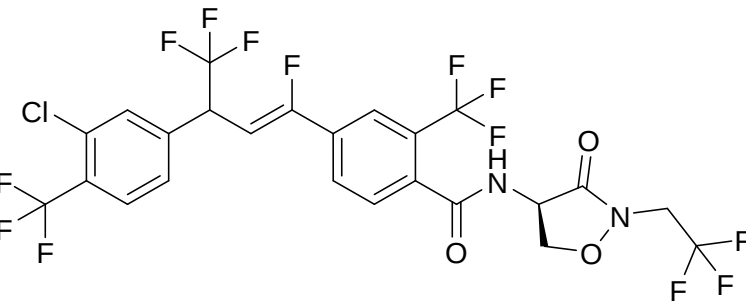
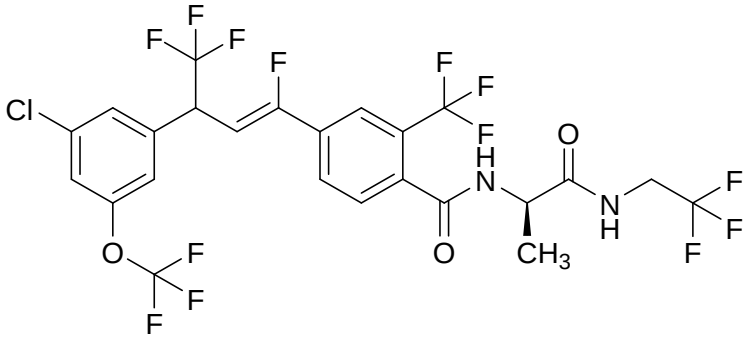
Ref. Expediente N° NC2018/0008733

F164	<chem>CC1=CC=C(C=C1C(F)(F)F)/C(F)=C/C2=CC=C(C(=O)N[C@H](C)C(=O)NCC(F)(F)F)C(F)(F)F2</chem>
F165	<chem>CC1=CC=C(C=C1C(F)(F)F)/C(F)=C/C2=CC=C(C(=O)NCC(=O)NCC(F)(F)F)C(F)(F)F2</chem>
F167	<chem>CC1=CC=C(C=C1C(F)(F)F)C(F)(F)F/C(F)=C/C2=CC=C(C(=O)NCC(=O)NCC(F)(F)F)C(F)(F)F2</chem>
F168	<chem>CC1=CC=C(C=C1C(F)(F)F)C(F)(F)F/C(F)=C/C2=CC=C(C(=O)N[C@H](C)C(=O)N3CC(F)CC3)C(F)(F)F2</chem>
F170	<chem>BrC1=CC=C(C=C1C(F)(F)F)/C(F)=C/C2=CC=C(C(=O)N[C@H](C)C(=O)NCC(F)(F)F)C(F)(F)F2</chem>

F171	
F172	
F173	
F174	
F175	

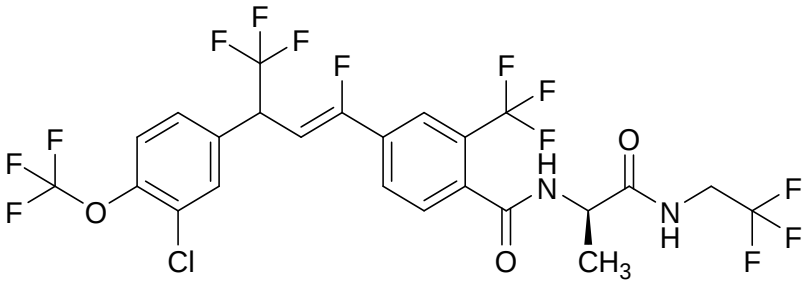
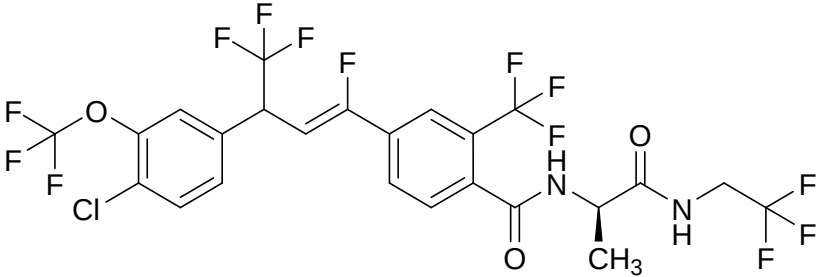
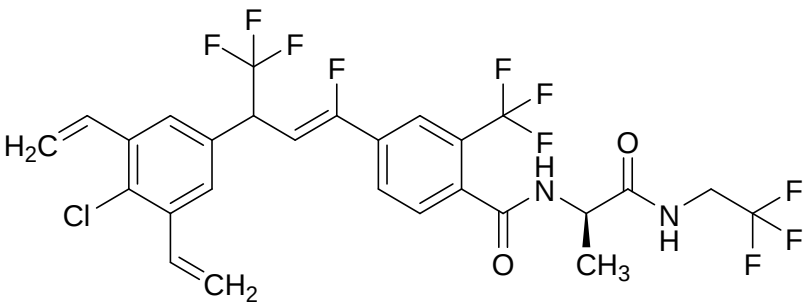
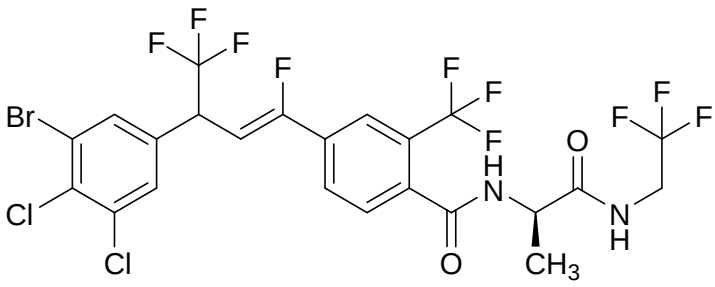
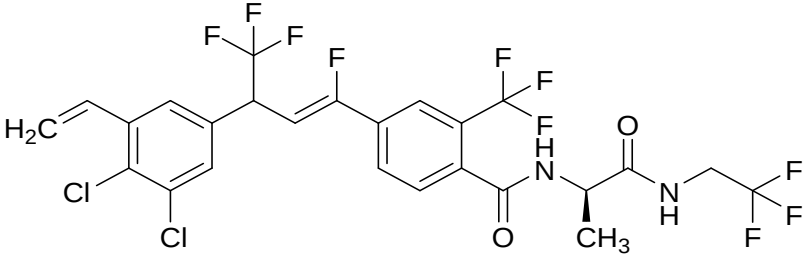
Resolución N° **24344**

Ref. Expediente N° NC2018/0008733

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F177	
F178	
F180	
F181	

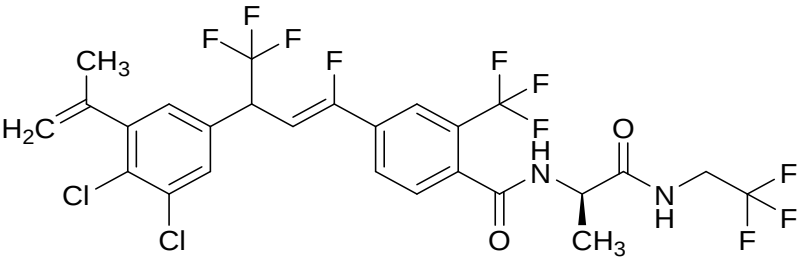
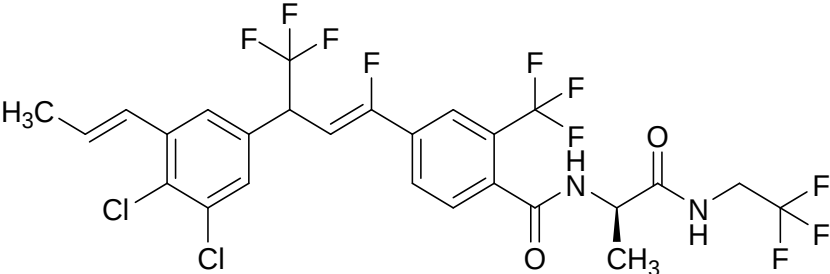
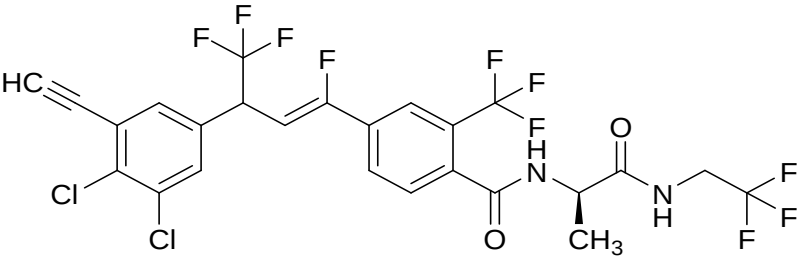
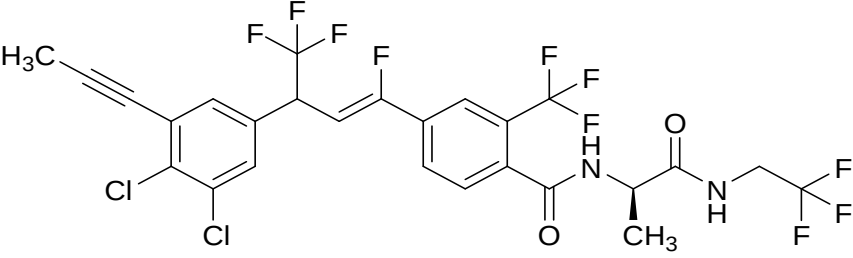
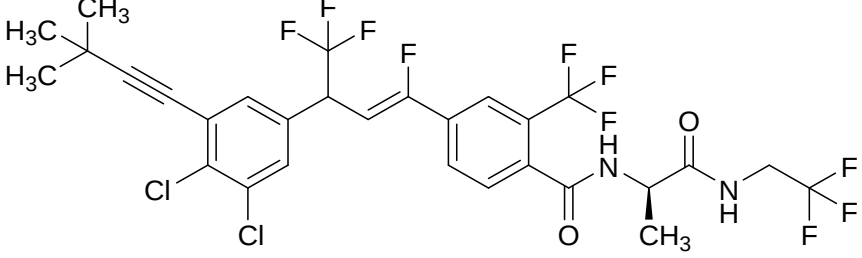
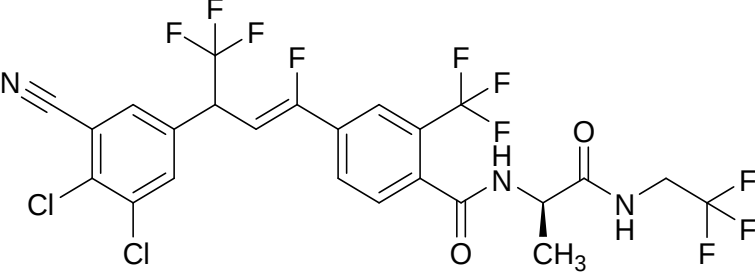
Resolución N° **24344**

Ref. Expediente N° NC2018/0008733

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F184	
F185	
F186	

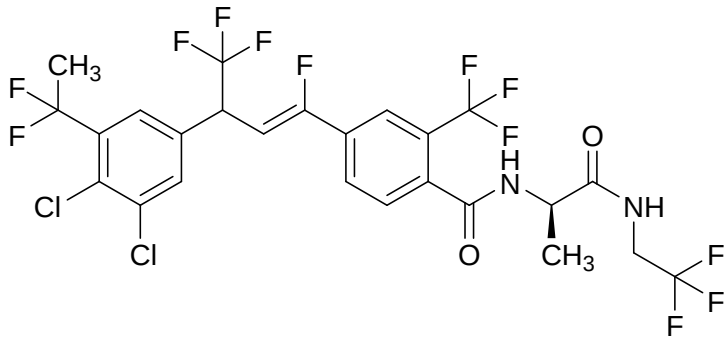
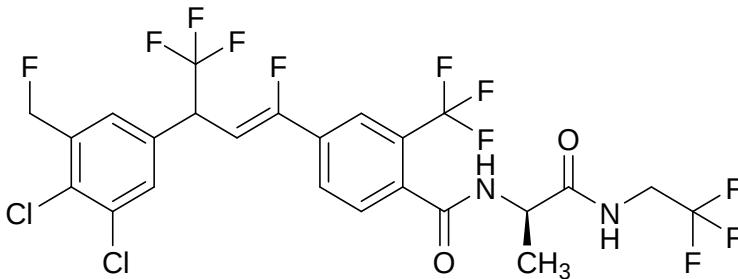
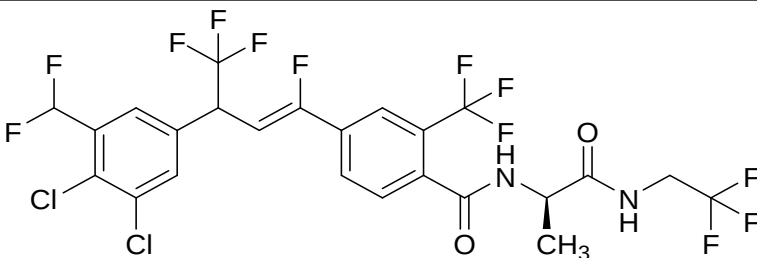
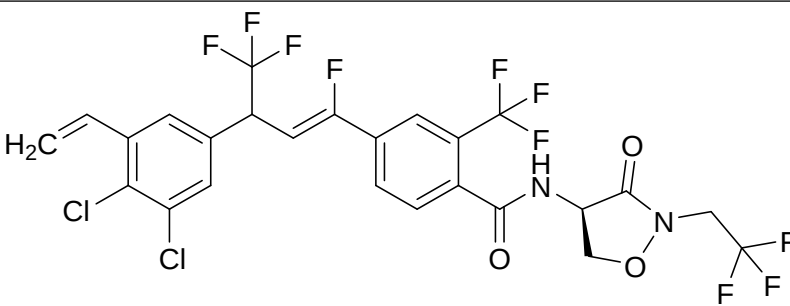
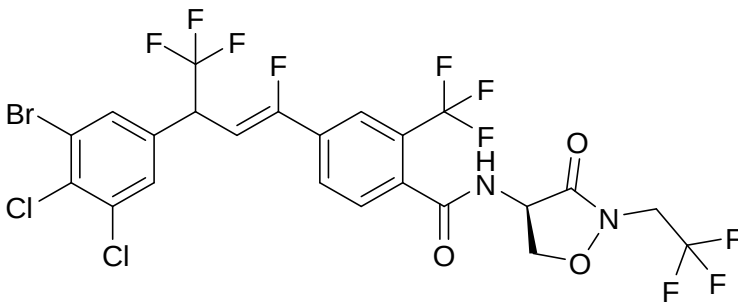
Resolución N° 24344

Ref. Expediente N° NC2018/0008733

F187	
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F189	
F190	
F191	
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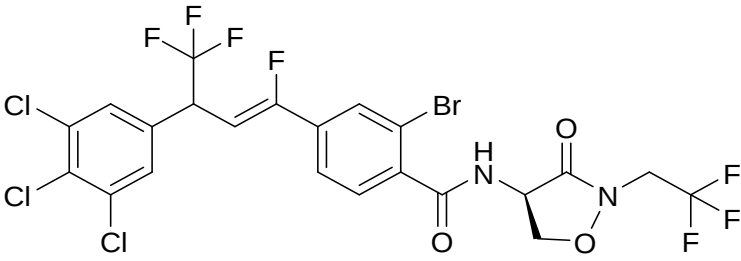
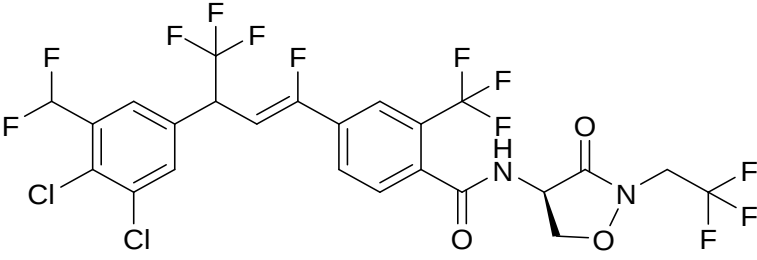
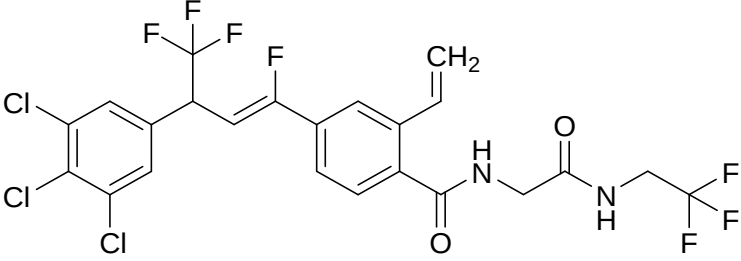
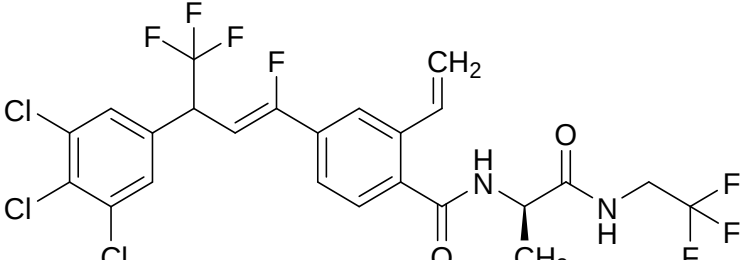
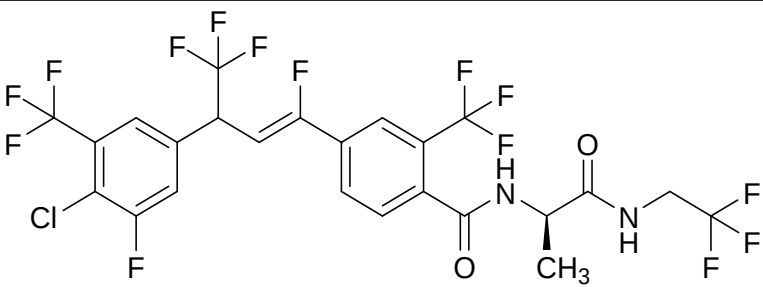
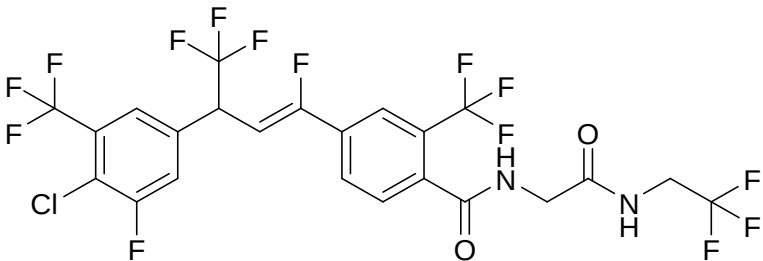
Resolución N° **24344**

Ref. Expediente N° NC2018/0008733

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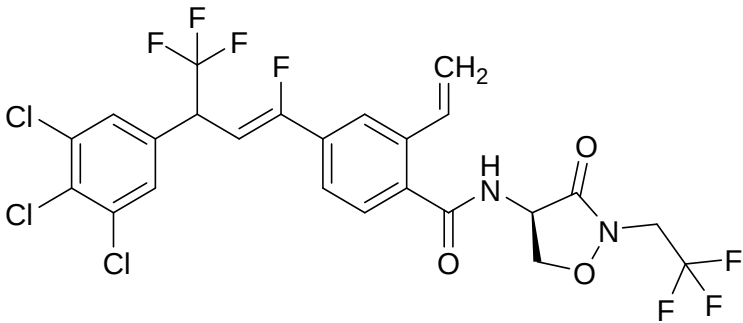
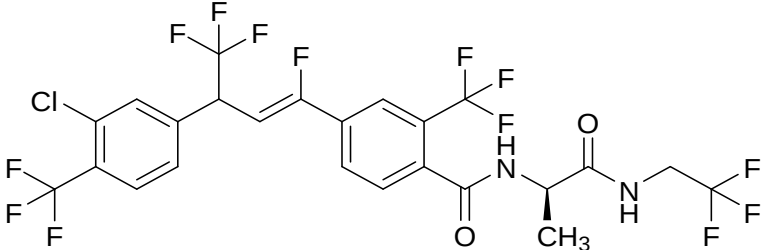
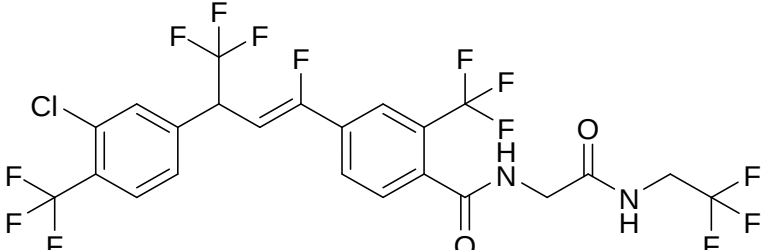
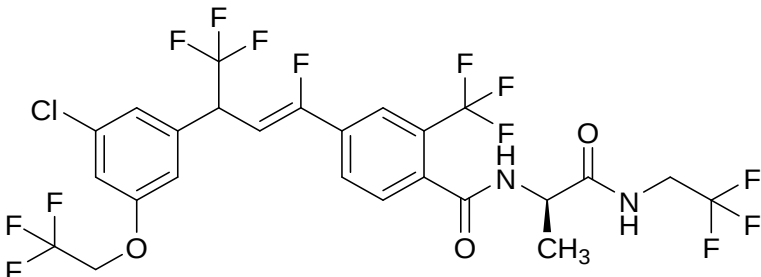
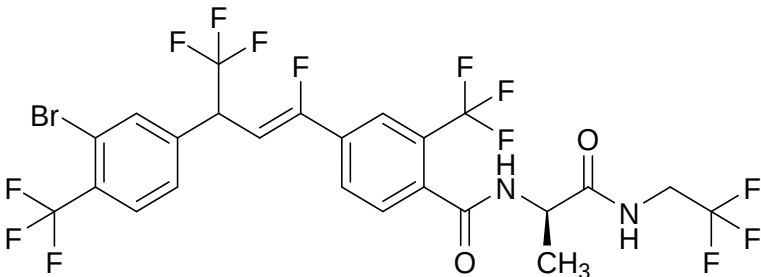
Resolución N° **24344**

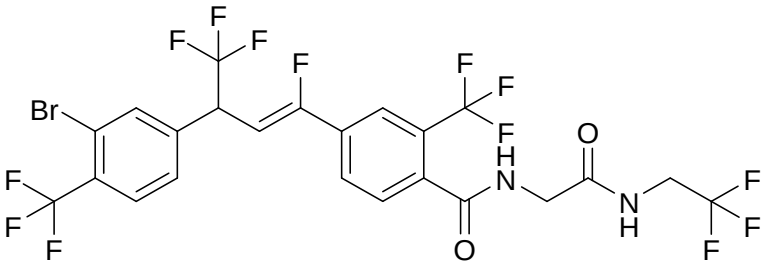
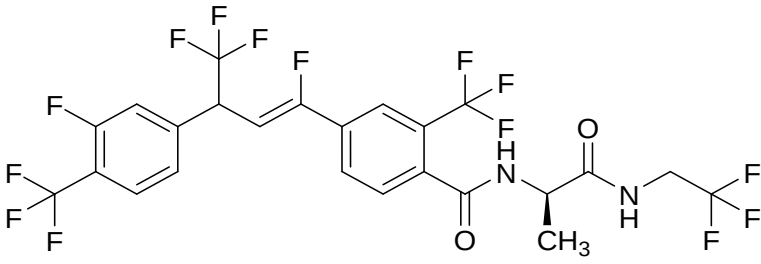
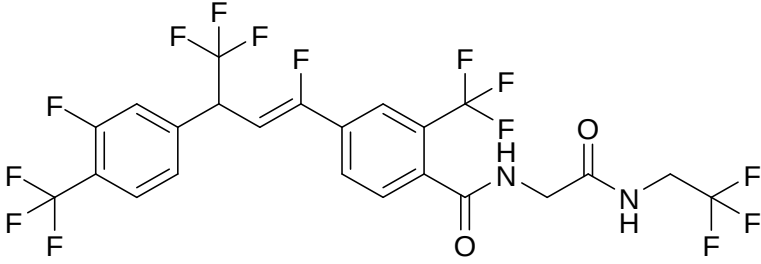
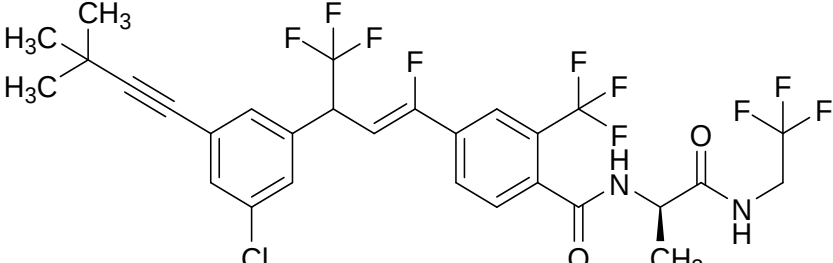
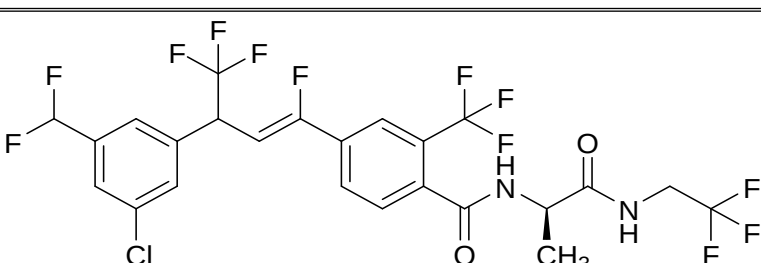
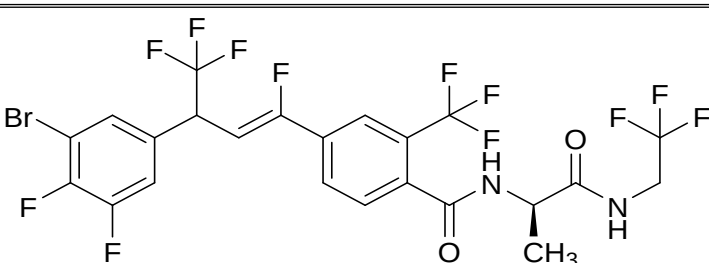
Ref. Expediente N° NC2018/0008733

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F199	
F200	
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Resolución N° 24344

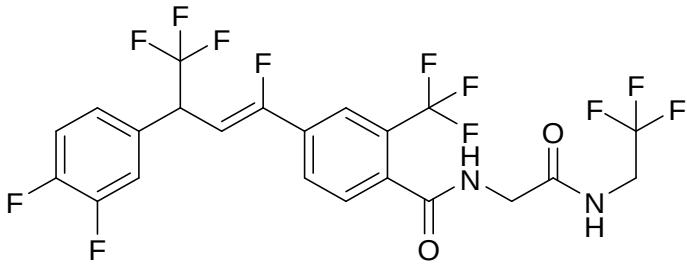
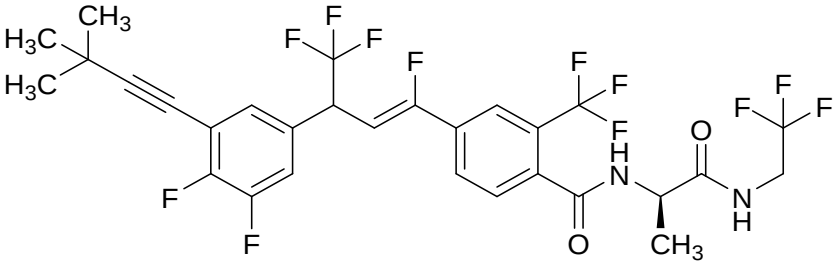
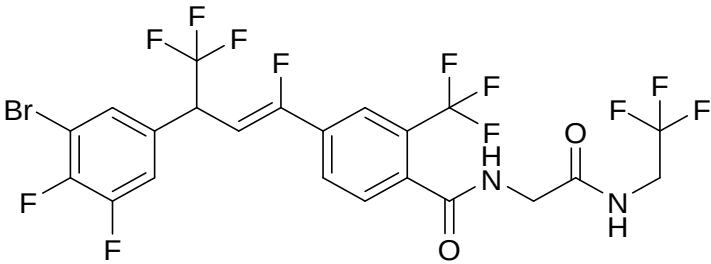
Ref. Expediente N° NC2018/0008733

F204	
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F209	
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F212	
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Resolución N° 24344

Ref. Expediente N° NC2018/0008733

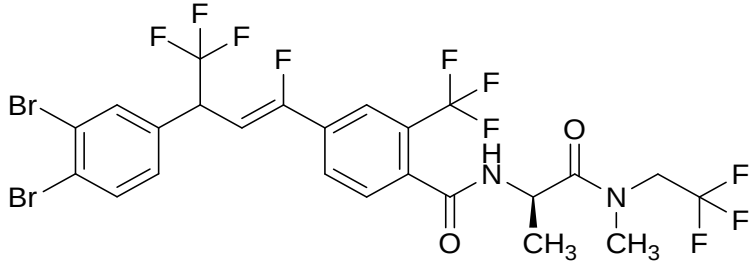
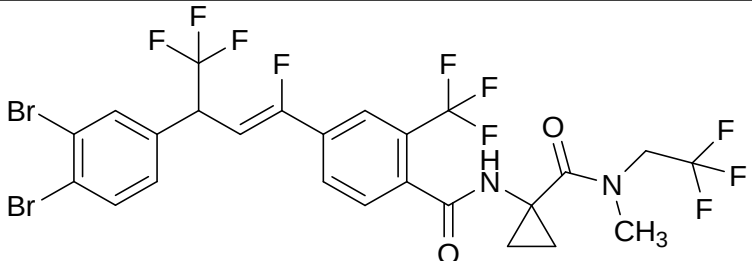
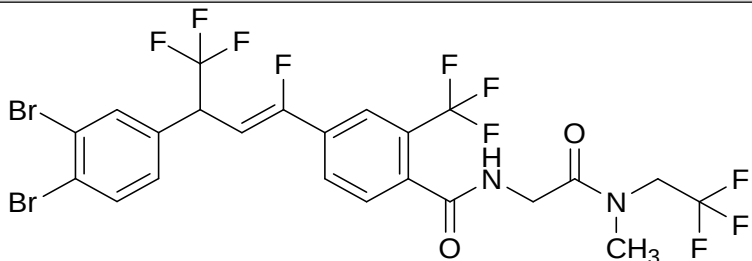
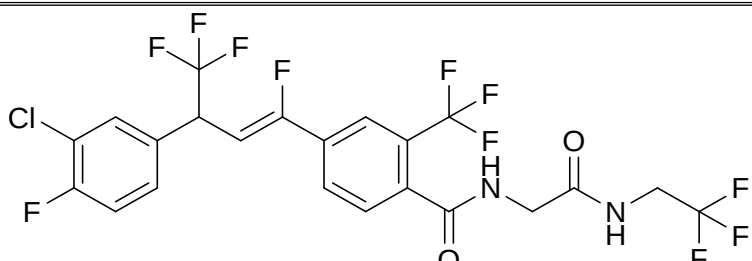
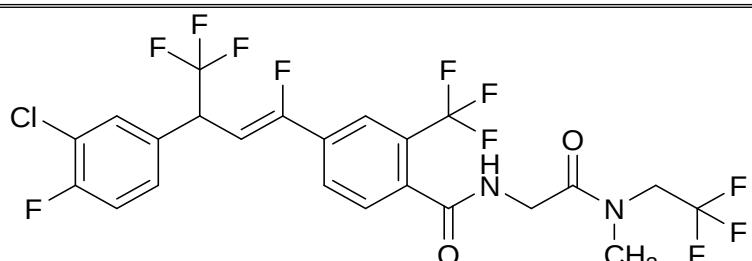
F215	
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F217	

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3. Una molécula de acuerdo con la Reivindicación 1 en donde dicha molécula se selecciona de una de las moléculas de la Tabla 1:

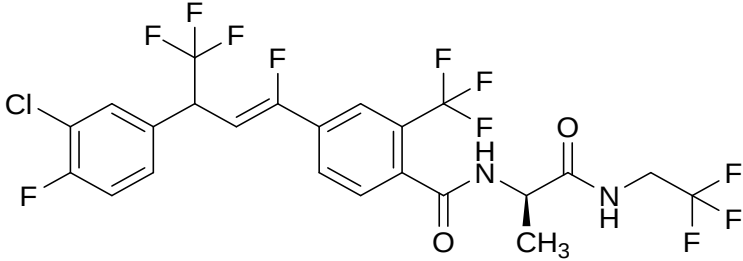
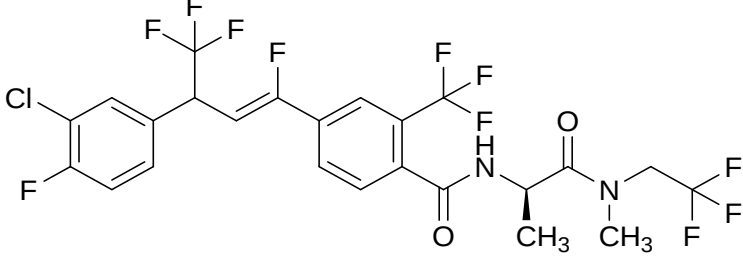
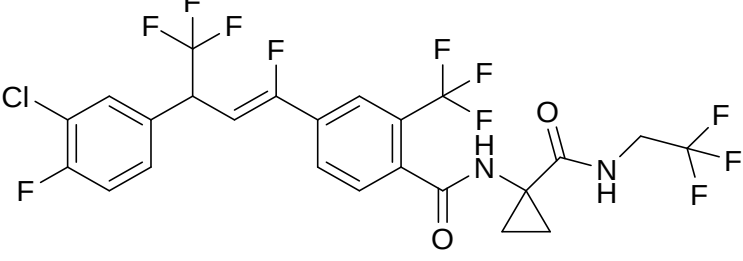
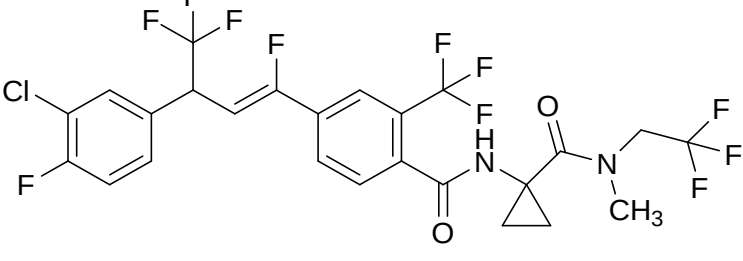
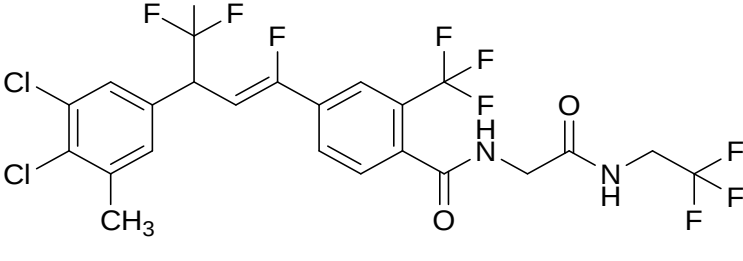
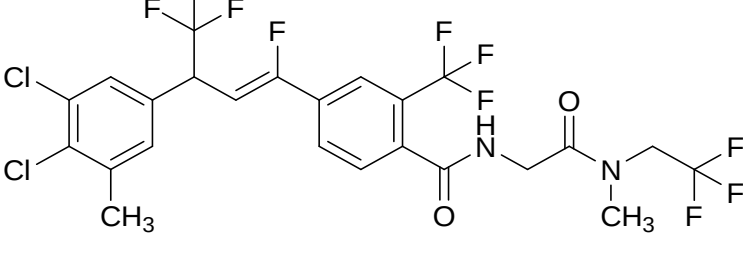
Tabla 1

No.	Estructura
P2	
P3	
P4	
P5	
P6	



Resolución N° 24344

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P7	
P8	
P9	
P10	
P11	
P12	

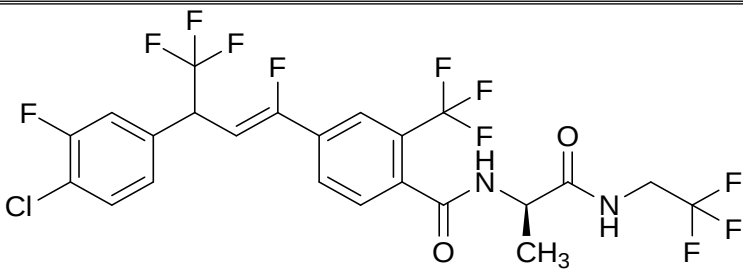
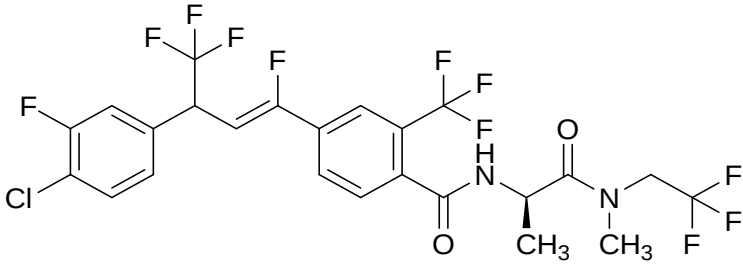
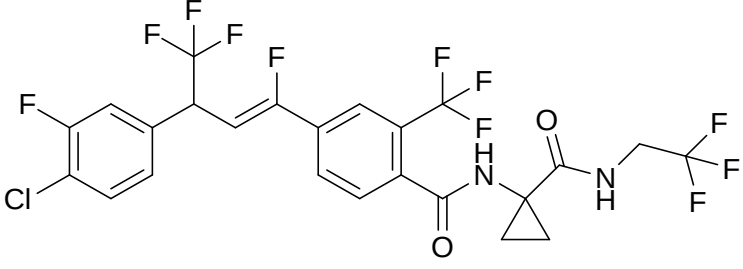
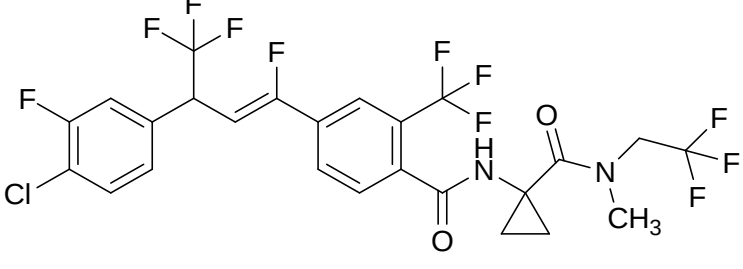
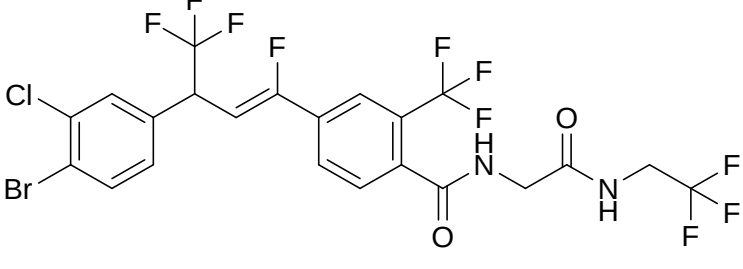
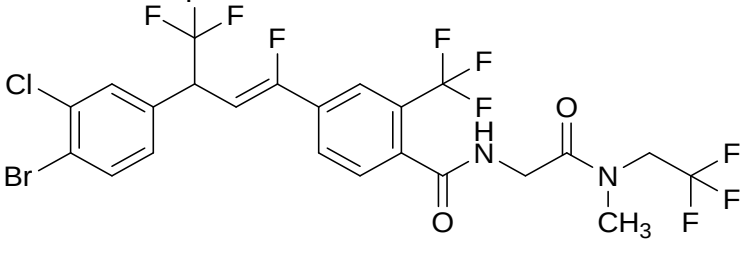
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P13	<chem>CC1=CC=C(C=C1C(F)(F)F)C(F)(F)F/C=C/Fc2ccc(cc2C(F)(F)F)C(F)(F)FNC[C@H](C)C(=O)NCC(F)(F)F</chem>
P14	<chem>CC1=CC=C(C=C1C(F)(F)F)C(F)(F)F/C=C/Fc2ccc(cc2C(F)(F)F)C(F)(F)FNC[C@H](C)C(=O)N(C)CC(F)(F)F</chem>
P15	<chem>CC1=CC=C(C=C1C(F)(F)F)C(F)(F)F/C=C/Fc2ccc(cc2C(F)(F)F)C(F)(F)FNC2(C)CC2C(=O)NCC(F)(F)F</chem>
P16	<chem>CC1=CC=C(C=C1C(F)(F)F)C(F)(F)F/C=C/Fc2ccc(cc2C(F)(F)F)C(F)(F)FNC2(C)CC2C(=O)N(C)CC(F)(F)F</chem>
P17	<chem>CC1=CC=C(C=C1C(F)(F)F)C(F)(F)F/C=C/Fc2ccc(cc2C(F)(F)F)C(F)(F)FNCNC(=O)NCC(F)(F)F</chem>
P18	<chem>CC1=CC=C(C=C1C(F)(F)F)C(F)(F)F/C=C/Fc2ccc(cc2C(F)(F)F)C(F)(F)FNCNC(=O)N(C)CC(F)(F)F</chem>

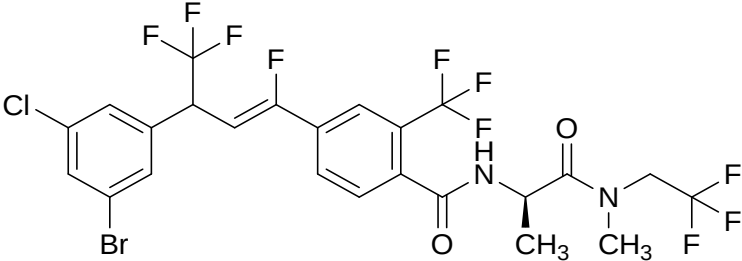
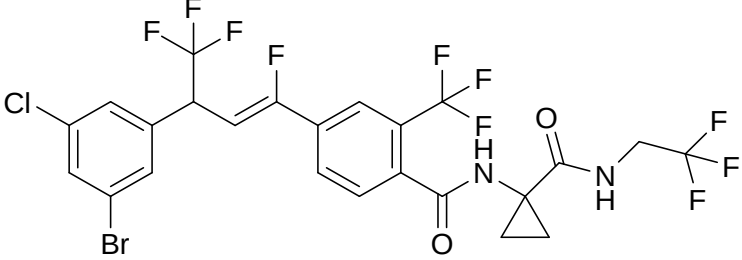
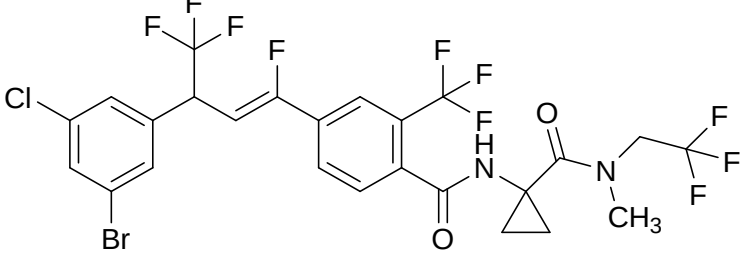
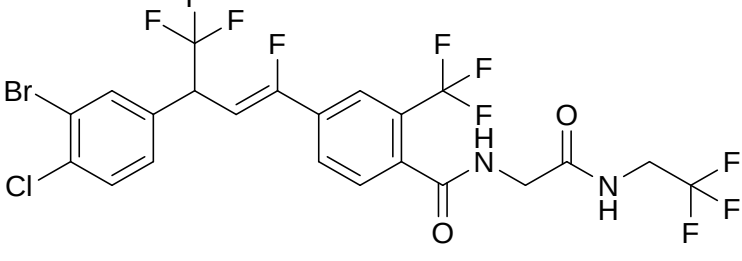
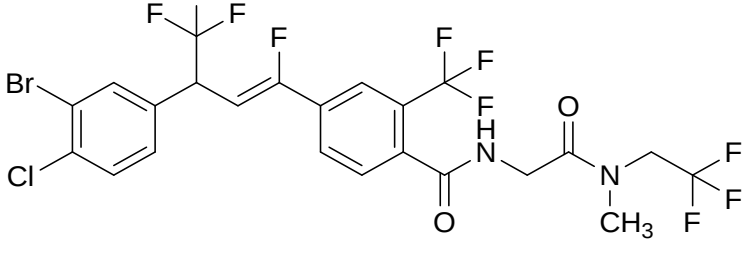
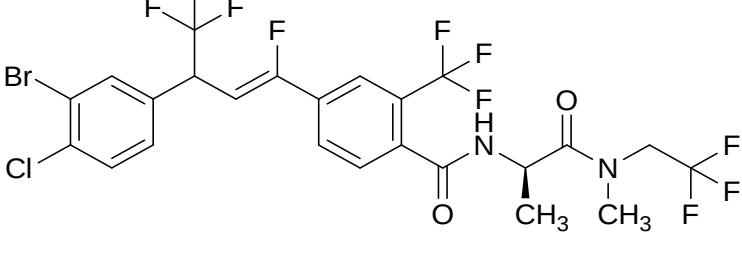
Resolución N° 24344

Ref. Expediente N° NC2018/0008733

P19	
P20	
P21	
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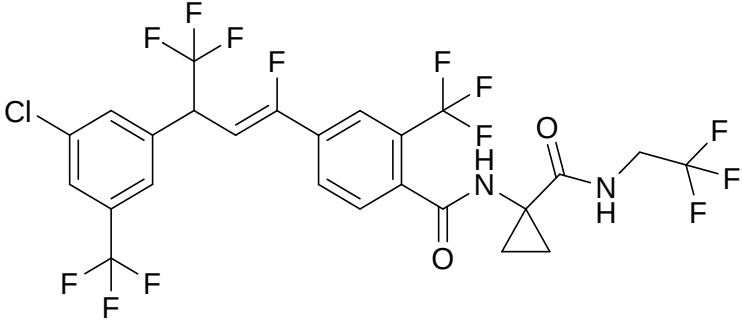
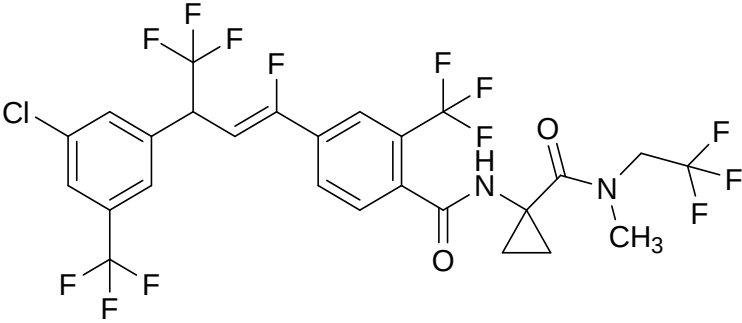
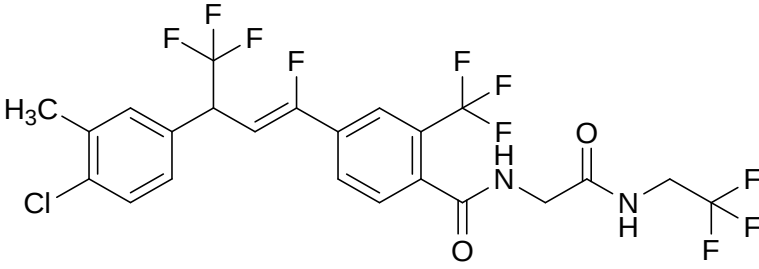
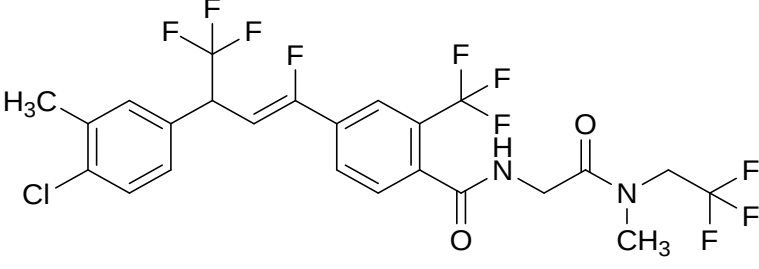
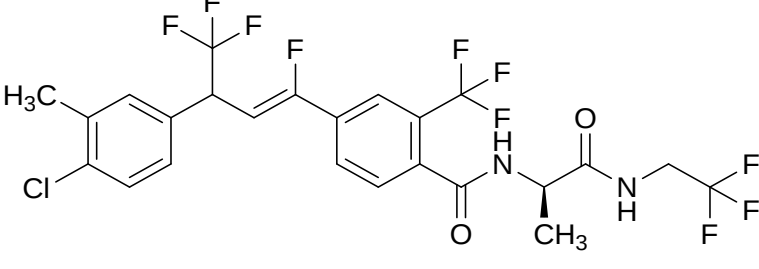
Resolución N° **24344**

Ref. Expediente N° NC2018/0008733

P31	
P32	
P33	
P34	
P35	
P37	

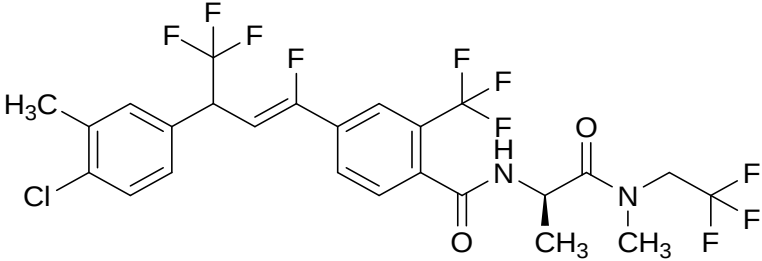
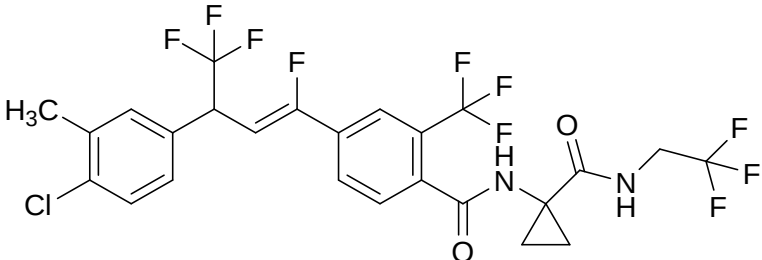
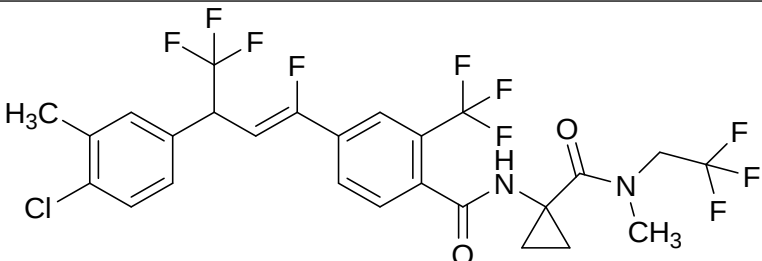
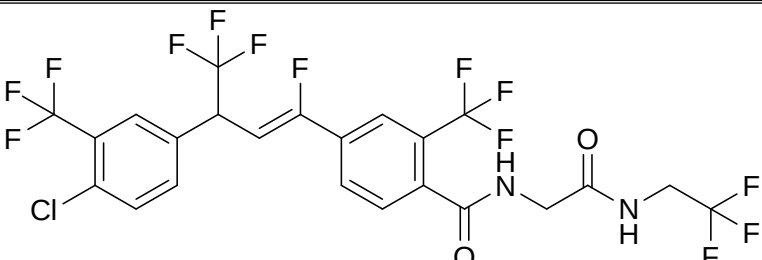
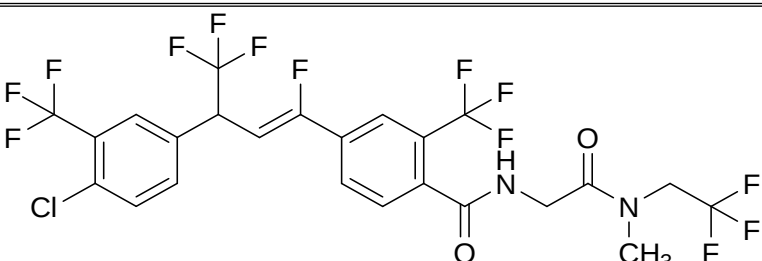
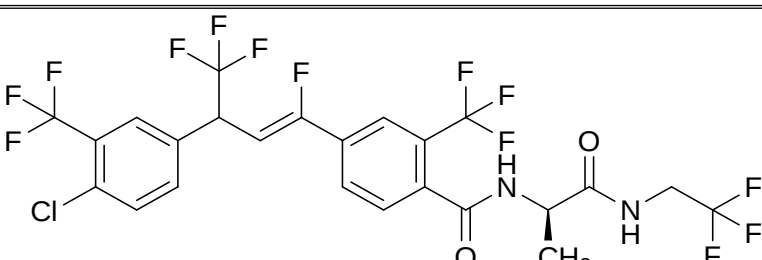
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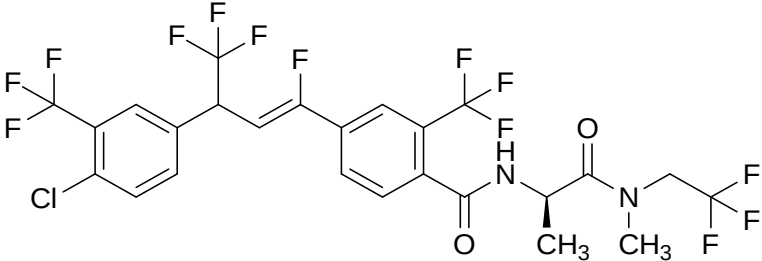
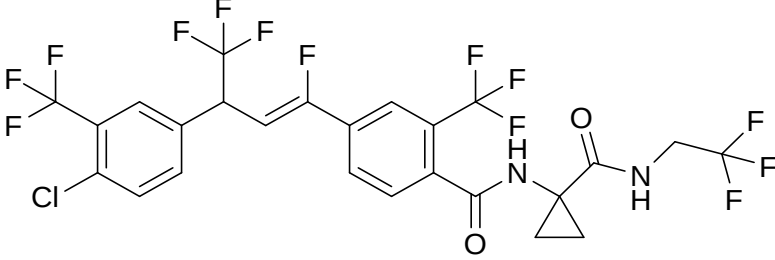
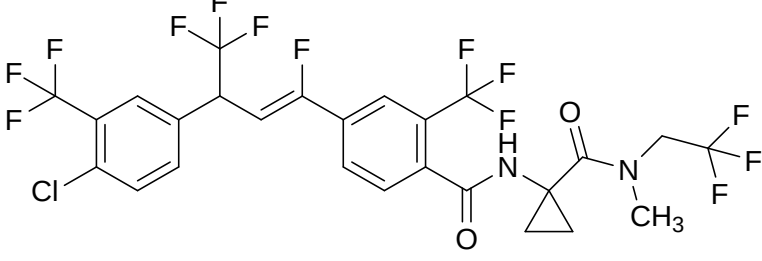
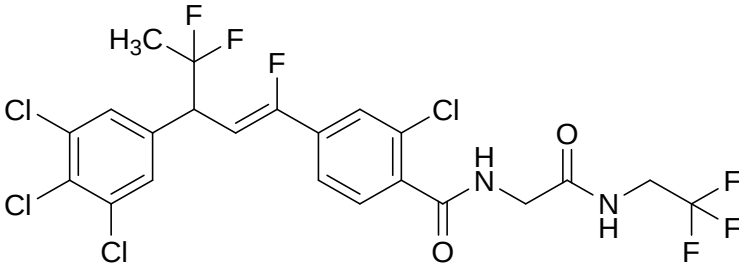
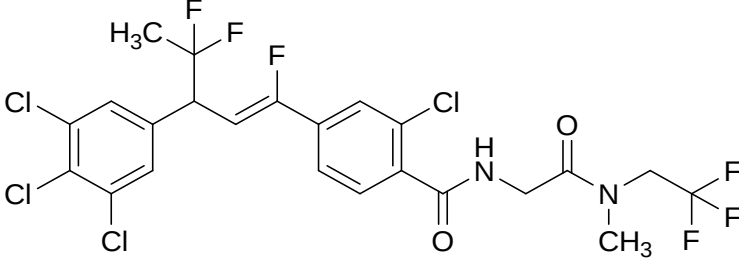
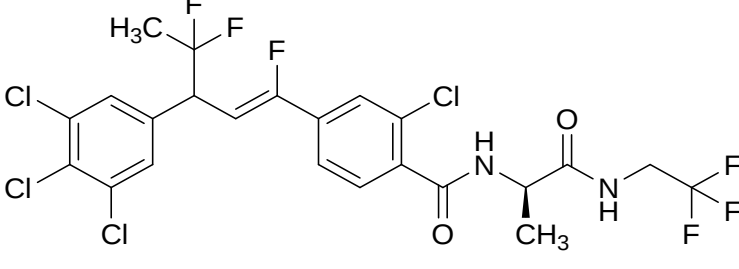
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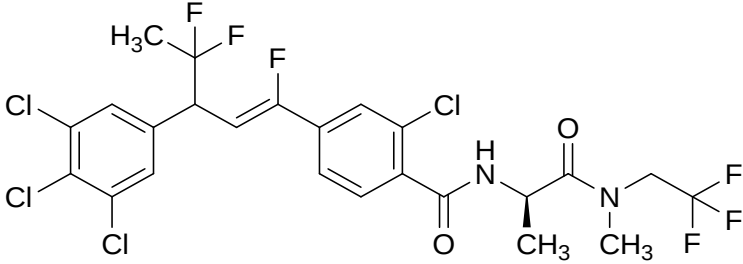
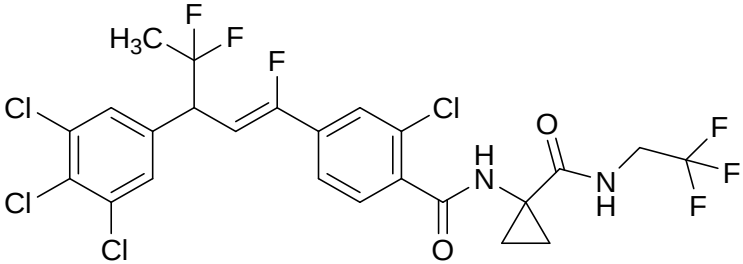
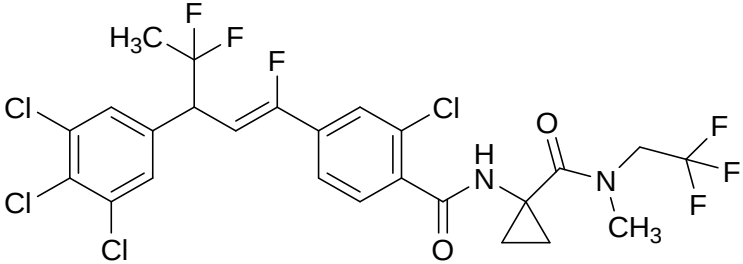
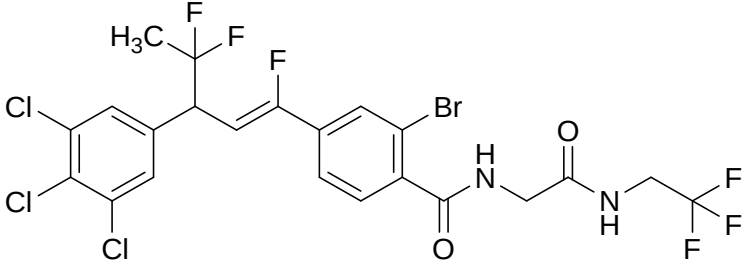
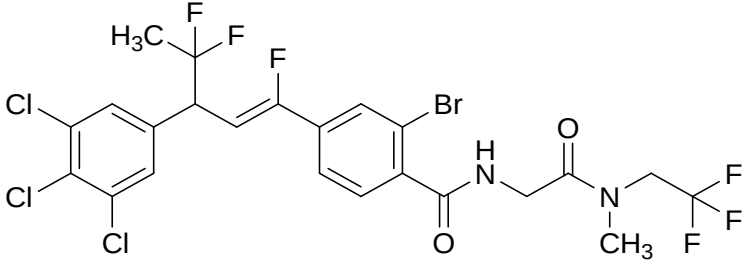
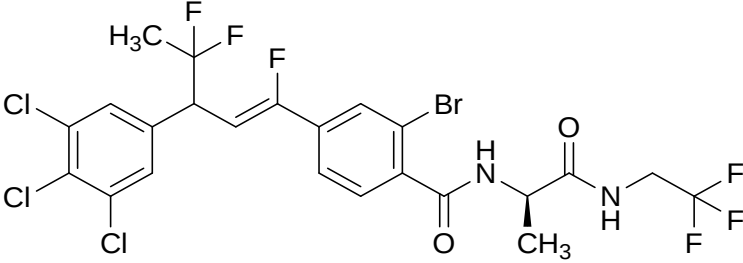
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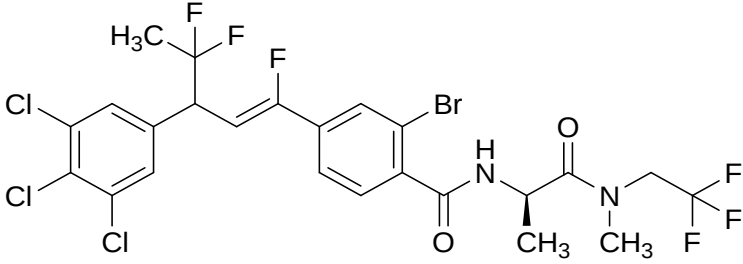
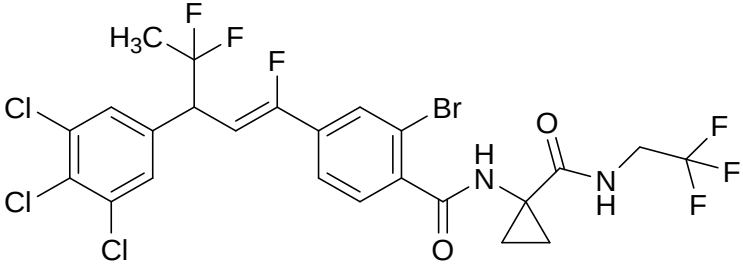
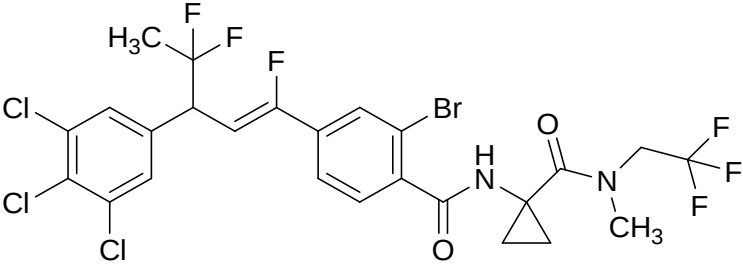
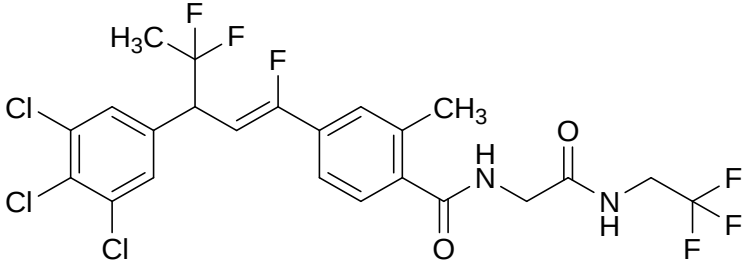
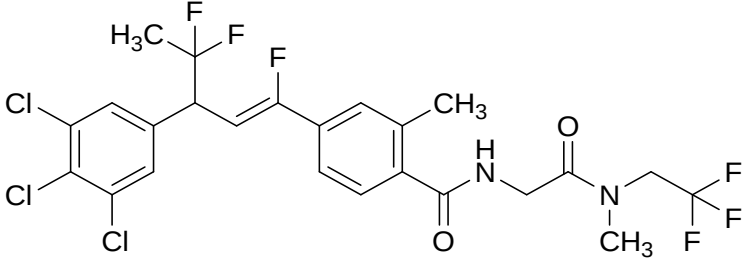
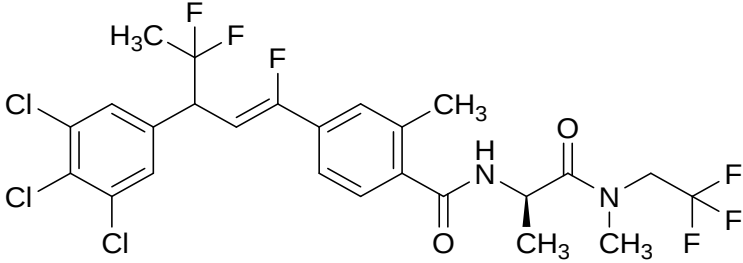
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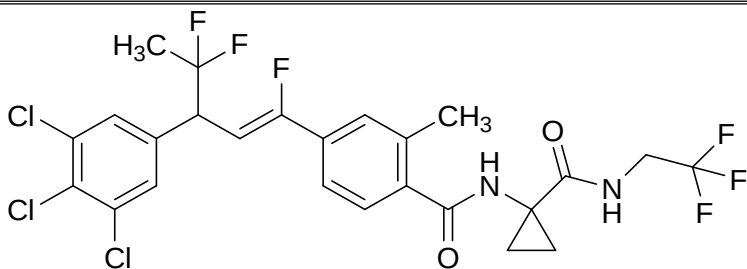
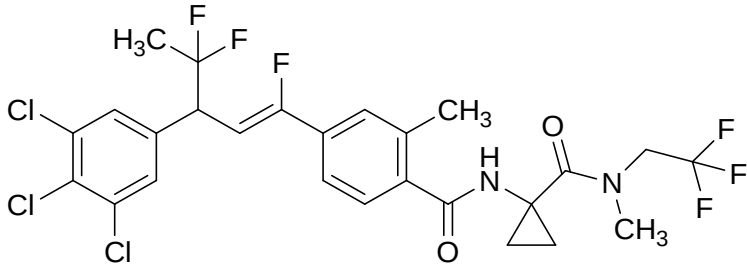
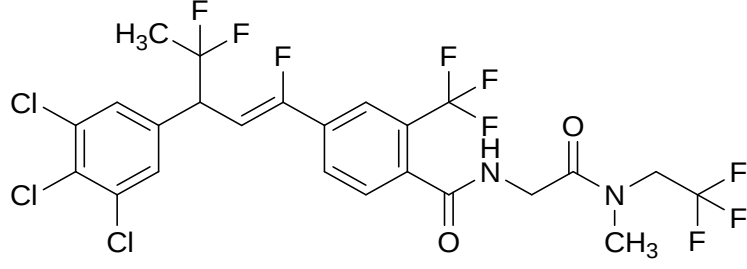
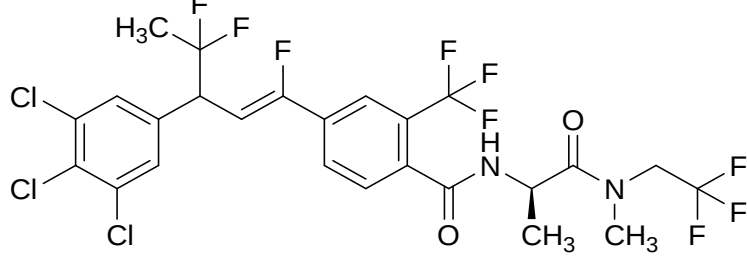
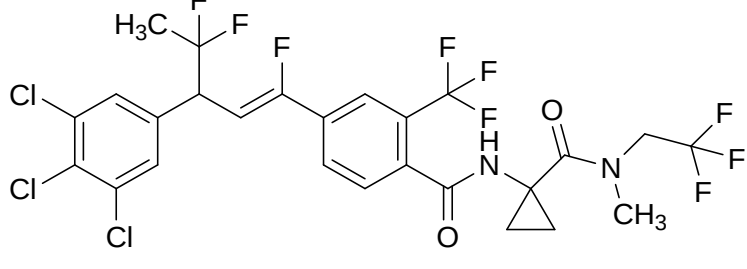
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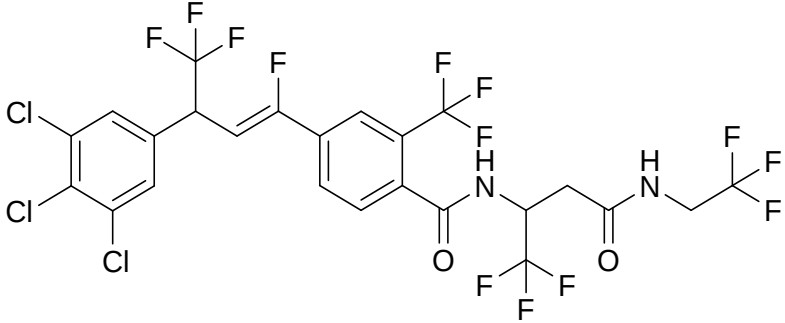
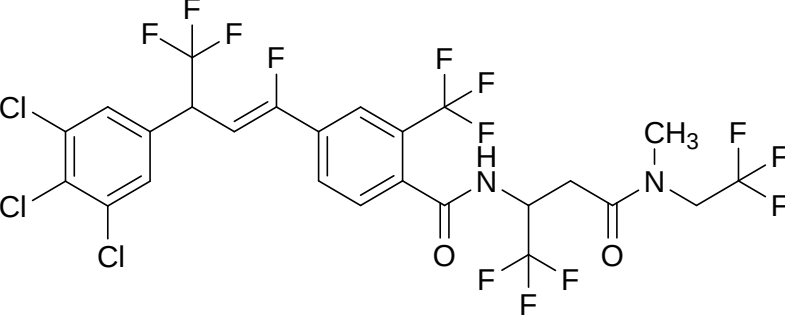
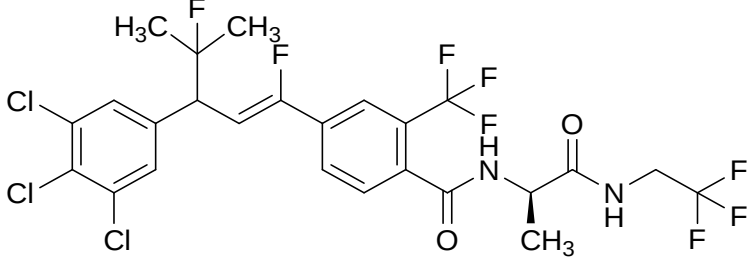
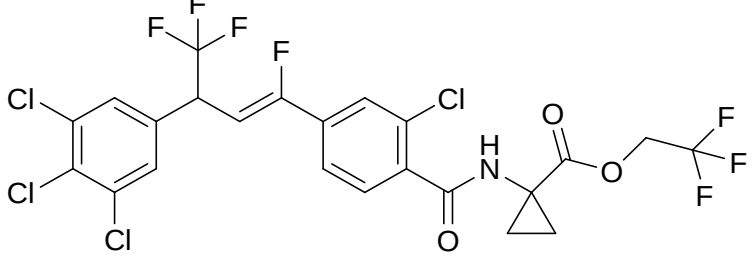
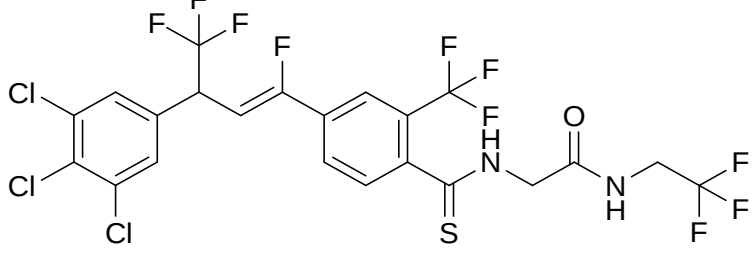
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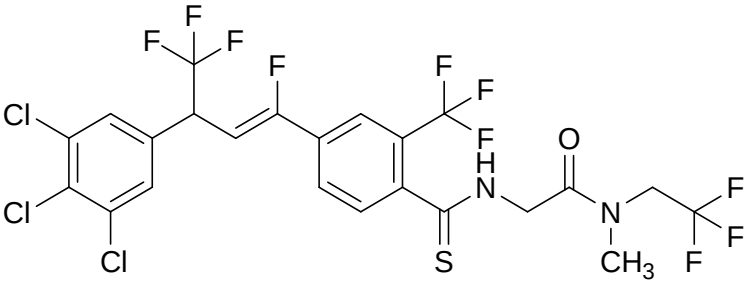
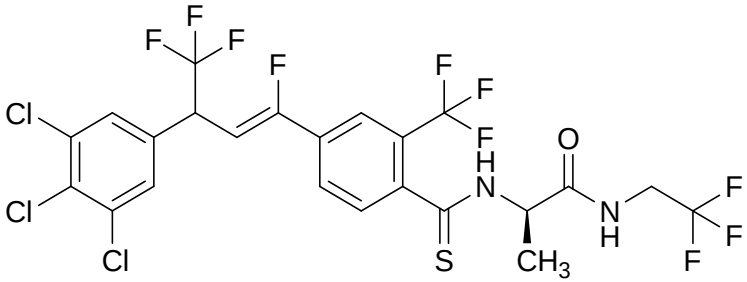
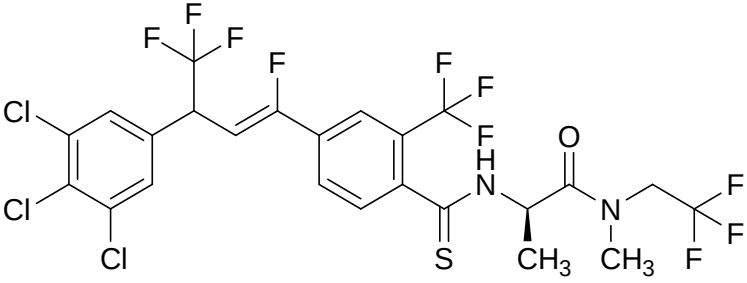
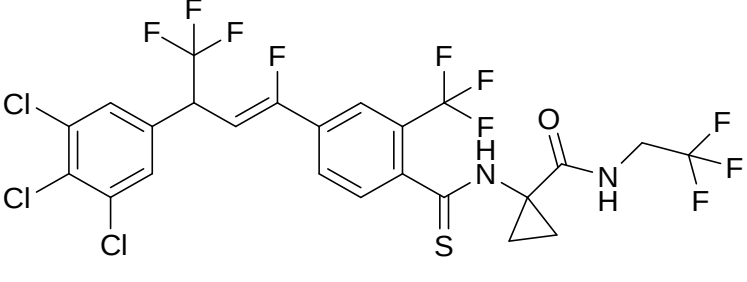
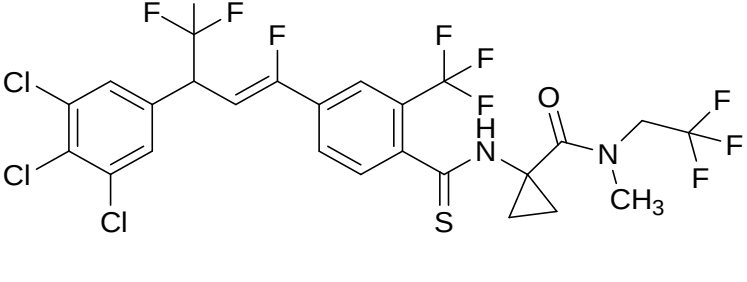
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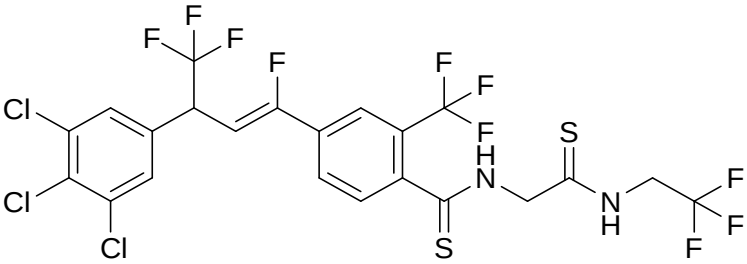
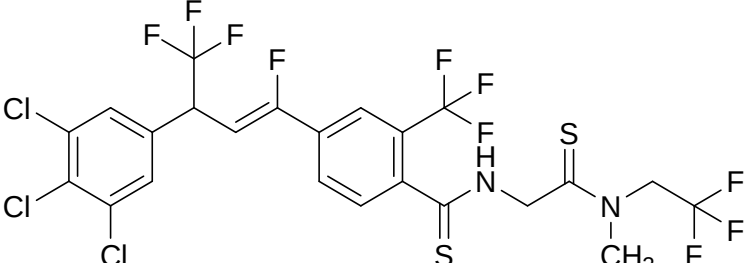
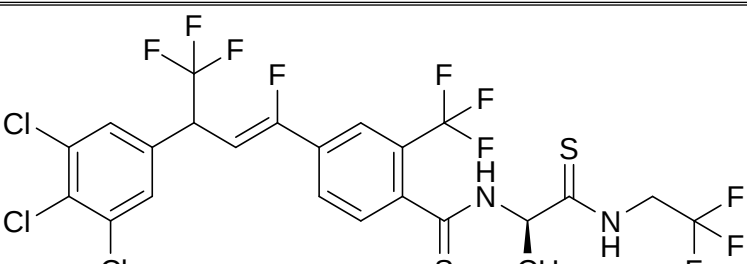
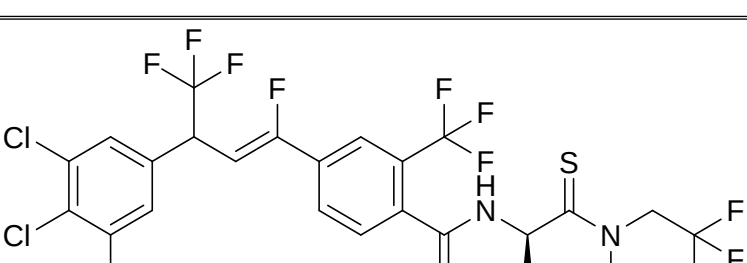
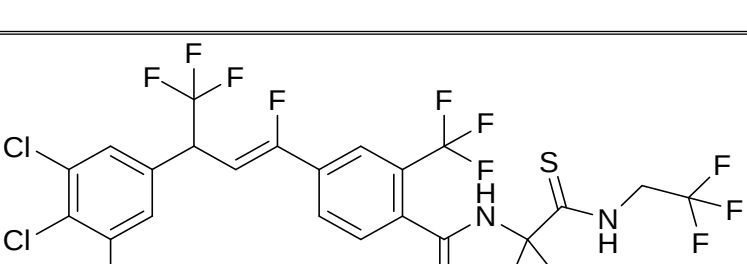
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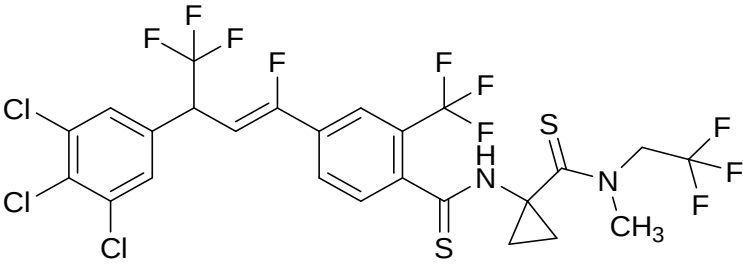
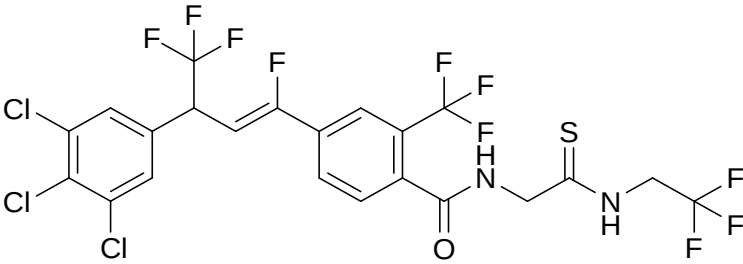
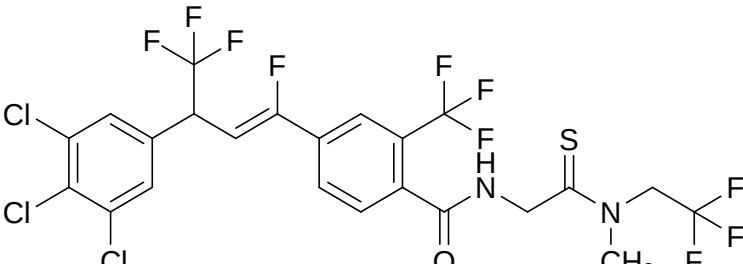
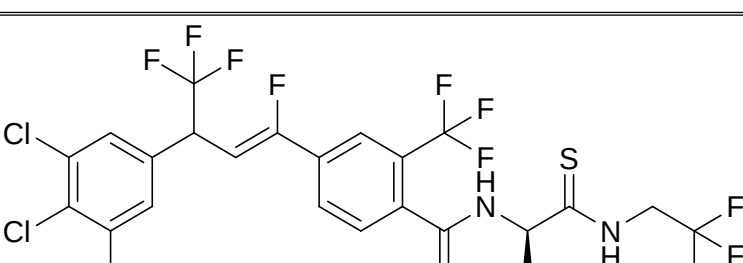
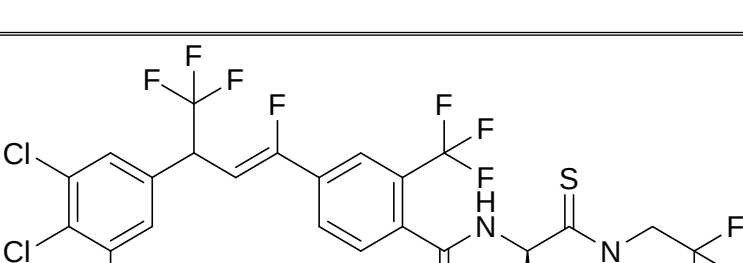
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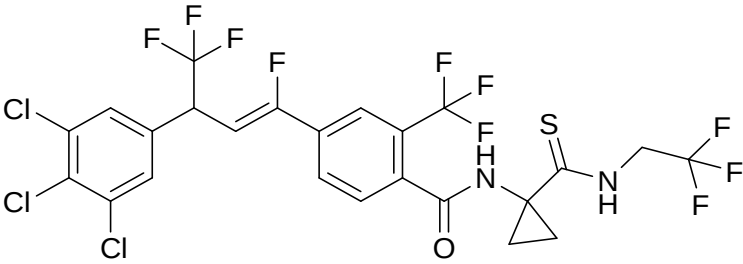
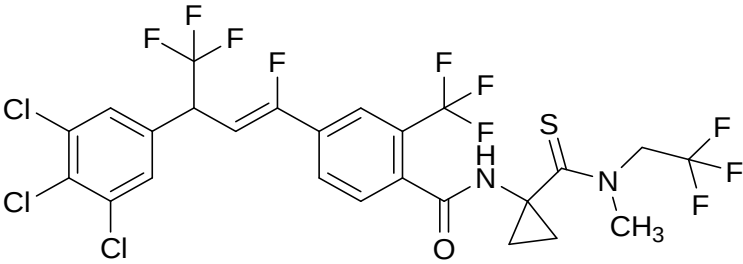
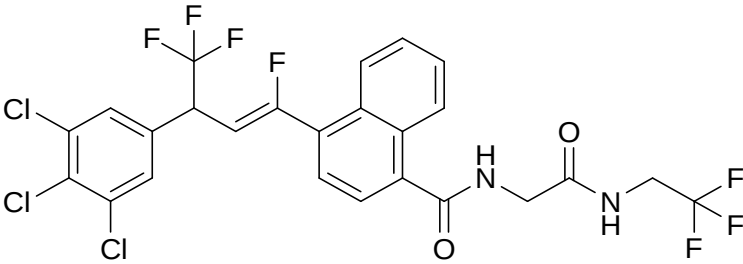
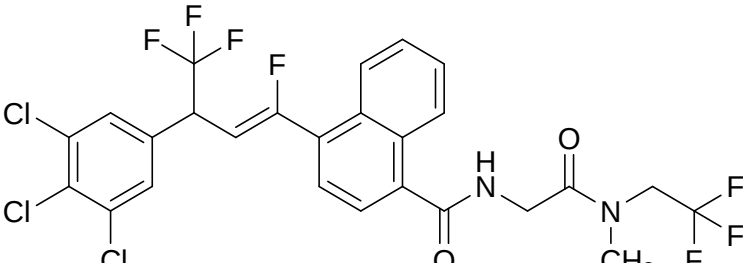
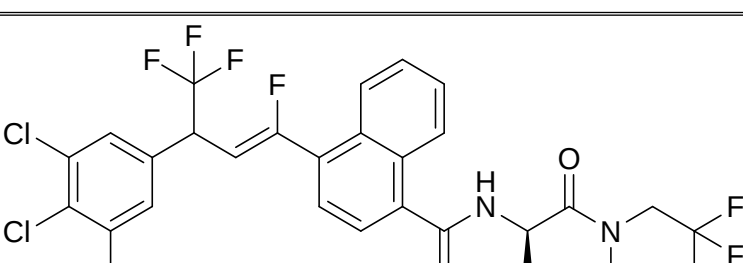
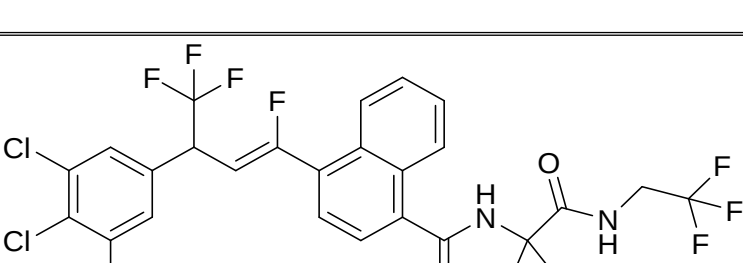
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