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PATENTS / DESIGNS / TRADE MARKS
GEOGRAPHICAL INDICATIONS

No. 109/DELNP/2007

Dated the : 08/03/2010

To

Remfry & Sagar,
Remfry House,
Millennium Plaza,
Sector 27,
Gurgaon 122 002.

SUB : Examination Report

REF :- Patent Application No. 109/DELNP/2007

NAME OF APPLICANT :- PHYTOCEUTICALS LTD.,

a) This report is the First/ Consequent Examination Report prepared on the basis of the examination conducted on the instant application under Section 12 and 13 of the Patents Act 1970.

b) The report contains the official requirements broadly on the following grounds:

- i. Whether the application and the specification and other documents relating thereto are in accordance with the requirements of this Act and of any rules made thereunder.
 - ii. Whether there is any lawful ground of objection to the grant of the patent under this Act in pursuance of the application.
 - iii. The result of investigations made under section 13; and
 - iv. Other prescribed matters.
- c) The application under reference will be treated as deemed to have been abandoned under Section 21(1) of the Act unless all the requirements imposed by the Act and rules made there under are complied with within prescribed period of 12 months from the issuance of this report.

2. Detailed Examination Report:

Serial
Number

Objections

1

Claims 1-9 do not constitute an invention under section 2[1(j)] of Patents Act 1970 (as amended in 2005) as the claims are lacking in inventive step in view of cited Patent document no. US 6579543 (2) Brahmchari G "neem -an omnipotent plant :a retrospection "CHEMBIOCHEM :A European Journal of Chemical Biology 2 apr 2004 vol 5 no 4 2 apr 2004 (3) SCHEMPP C.M et al "ST john Wort (Hypericum perforatum L) A plant with relevance

for dermatology)" may 2002 vol 53,5 th may 2002(4)US 5370873 (5)US 5693327

Claims 1-9 fall within the scope of such clause (p)of section 3 of Patents Act 1970 as it is well known in that neem oil is used as disinfectant and hypericum has healing effect in view of citation BP/2472A

Kaphajayoennirogaharadumbar?ditailam (01) **Useful in the Treatment of following Diseases :**
Trichomoniasis(Slaismika yonivyapada),

2 **IPC Codes :** A61K 129/00, A61K 131/00, A61K 31/00, A61K 36/00, A61K 36/185, A61K 36/428, ,
36/48, A61K 36/58, A61K 36/60, A61K 36/63, A61K 36/77, A61K 9/08, A61K 9/42, A61P 15/00, /
15/02, A61P 31/00, A61P 31/02, A61P 31/04, A61P 33/02, C01B 5/00

Knowledge Known Since : 1000 years

Author : Caraka Sa?hit? ,

3 Source/Geographical origin of the Biological materials(plants) in the specification should be duly filed

4 Claim 1 is very broad.

5 Claim 6-9 does not constitute an invention U/S 2(1)(j)of Patents act 1970.

6 Claims 7-9 define a plurality of Distinct inventions.

7 Abstract should be filed according to Rule 13(7) of Patents Rule, 2003 (as amended in 2006).

8 Form 1A should be duly filed along with endorsement

9 The title is inconsistent with preamble of claim 1.

10 Application No. should be given on Form-3.

11 Date and signature should be given on last page of specification.

NOTE : All Communications to be sent to the Controller of Patents at the above address.

The Marginally noted document are returned herewith.

(Ashok
Examiner of Patents &
For Controller of Patents &

Encl:-

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