



GOVERNMENT OF INDIA  
PATENT OFFICE  
INTELLECTUAL PROPERTY  
BUILDING  
G.S.T. Road, Guindy  
Chennai - 600032

Tel No. (091)(044) 2250  
2081/82/83/84  
Fax No. 044 22502066  
E-mail : chennai-patent@nic.in  
Web Site : www.ipindia.nic.in



**Letter No.:-BIO-TECH/2015/**

**Date : 25/11/2014**

To,  
Mr. ANUP JOACHIM T. ADVOCATE,  
JOACHIM & JANSON, 35/2919, SHANTHIPURAM  
ROAD, COCHIN - 682 025. KERALA

**SUB : Examination Report**

APPLICATION NUMBER : 1167/CHE/2009  
DATE OF FILING : 21/05/2009  
DATE OF REQUEST FOR EXAMINATION : 28/03/2011  
DATE OF PUBLICATION : 17/12/2010

With reference to the RQ No. 2496/RQ-CHE/2011 Dated 28/03/2011 in the above mentioned application  
a) for Grant of Patent , Examination has been conducted under Section 12 and 13 of the Patents Act 1970 ,  
The following objections are hereby communicated

b) Objections :

1 Claims 1-7 are not patentable u/S 3(e) of the Patents Act, 1970 as they relate to a mere admixture or a  
method of preparing the same and lacking support in the description for synergistic interaction between  
the constituents.

Claims 4,6,7 do not define the invention clearly. The claimed composition should be defined in terms of  
its technical features.

2 Claims 6 and 7 through they are claimed as product claims but the features described/claimed in them as  
mode of administration and dosage level are technical features of method of treatment and not the  
product technical features. Hence, these claims are not allowable.

Notwithstanding above mentioned objections, Claims lack inventive step u/S 2(1)(ja) of the Act in view  
of cited prior art documents. Refer the list of documents with date of publication (PRIOR ART) in  
enclosed TKDL documents. D1: HG/796, D2: NA2/504H, D3:RS/5205 and D4: BD/105.

3 The claimed herbs are well known in the prior art for use in treatment of brain/memory related disorders.  
D1 discloses the use of Acorus calamus, Bacopa monnieri, Clitoria ternatea and Glycyrrhiza glabra as an  
intellect promoting medicine and also for treatment of mental deficiency.

D2 discloses the use of Centella asiatica for treatment of neurological diseases.

D3 discloses the use of Elaeocarpus sphaericus for treatment of headache, idiopathic psychotic syndrome.

D4 discloses "Medha vartak yog" which comprises Bacopa monnieri and Acorus calamus for its intellect  
promoting ability.

It would have been obvious to a person skilled in the art to have arrived at the instantly claimed composition from the disclosure of cited TKDL documents.

4 Claims 1-7 are not patentable u/S 3( p ) of the Act as they relate to Traditional knowledge. The herbs are traditionally known for treatment of neurological disorders.

5 Claims 1-7 are not fully supported by the description, with working example for composition and its preparation, as required u/s 10(5) of the Patents Act, 1970.

Attention of the applicant is invited towards Section 6 of Biodiversity Act, 2002 which mandates that if biological material procured from India is used in an application for patent, permission and other information for making application for patent should be obtained from the National Biodiversity  
6 Authority, Relevant application form (Form 3, Rule 18) for such permission is available in website of National Biodiversity Authority. Form 1 of Patent Act should be completed w.r.t column 9 (iii). Source and geographical origin of the biological material used should be given in the specification in accordance with section 10(4)(d).

Title of the complete specification should be amended in conformity with the claim amendments so as to make it consistent with the amended claims, if any.

7 While filing amended claims (if any) the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, not to add subject matter, which extends beyond the content of the application as originally filed. If any corrections/amendments is made in any page of the specification that page should be freshly typed and filed in duplicate along with a marked copy clearly highlighting the corrections/amendments made.

8 The clerical errors in the botanical names of the herbs throughout the specification should be corrected.

9 Form-1 submitted is not complete as the declarations given in paragraph 9 (iii) of Form-1 are not marked/ticked, especially for biological material. Therefore, the correct and complete Form-1 (as prescribed in the Patent Rules, 2003) should be filed in the prescribed manner by filing Form-13 for correction.

Details regarding the search and/or examination report including claims of the application allowed, as referred to in Rule 12(3) of the Patent Rule, 2003, in respect of same or substantially the same invention  
10 filed in all the major Patent offices along with appropriate translation where applicable, should be submitted within a period of Six months from the date of receipt of this communication as provided under section 8(2) of the Indian Patents Act.

11 Details regarding application for Patents which may be filed outside India from time to time for the same or substantially the same invention should be furnished within Six months from the date of filing of the said application under clause(b) of sub section(1) of section 8 and rule 12(1) of Indian Patent Act.

c) You are requested to comply with the objections by filing your reply by way of explanation and/or amendments within 12 months from the date of issue of FER failing which your application will be treated as "Deemed to have been abandoned" under section 21(1) of the Act. The last Date is 25/11/2015.

d) You are advised to file your reply at the earliest so that the office can further proceed with application and complete the process within the prescribed period.

(Dr. Sharana Gouda)

Asst. Controller of Patents & Designs

NOTE : All Communications to be sent to the Controller of Patents at INTELLECTUAL PROPERTY  
BUILDING G.S.T. Road, Guindy Chennai-600032.