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Near Antop Hill Post Office,
S.M.Road, Antop Hill
Mumbai - 400 037

Tel No. (091)(022)
24137701, 24141026,
24150381, 24148165,
24171457
Fax No. 022 24130387
E-mail : mumbai-patent@nic.in
Web Site : www.ipindia.nic.in



Letter No.:-CHEM/2012/

Date : 24/04/2012

To,
SAVITRI VASUDEV BAIKAMPADY
E- 4/2,
H.D.F.C.COLONY
CHINCHWAD
PUNE-19.

SUB : Examination Report

APPLICATION NUMBER : 156/MUM/2007
DATE OF FILING : 29/01/2007
DATE OF REQUEST FOR
EXAMINATION : 12/01/2010
DATE OF PUBLICATION : 03/10/2008

With reference to the RQ No. 67/RQ-MUM/2010 Dated 12/01/2010 in the above mentioned

- a) application 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 :**

Claims do not constitute an invention u/s 2(1) (j) of the Patents Act, 1970, as claims 1, 6-9, 17 and 18 are not new and claims 1-9 and 17-19 do not involve inventive step in view of the following prior published documents:

D1: TKDL (CSIR), RS17/1817 ?Bhallatakadi Ksarah? known since 100 years? ? Smakaradajisastripade? Aryabhisaka-Gujarati Edited (Hindustana No Vaidyaraja) Translataion by Harikrishna Bhagwan Lal Vyas; Sastu Sahitya Vardhaka Karyalaya, Bhadra, Ahmedabad, Edn.

12th, 1957, page 136.

[A Copy of citation Enclosed]

Novelty:

D1 discloses the composition/formulation of all the ingredients as claimed in claims 1, 17 and 18. Also discloses the proportion, dosage form and oral route of administration. Therefore, the composition claimed in claims 1, 6-9, 17 and 18 are not new.

Inventive Step:

Claims 1, 6-9, 17 and 18 are not new, they also do not involve inventive step.

The claims 2-5 though worded as composition claims but they are actually the process claims as they define the process features. The process claimed in these claims is not disclosed in D1 and hence they are new but and in the absence any specific advantage by this process in comparison to the D1 process, they cannot be acknowledged with the inventive step.

The claim 19 which claims for the admixture of composition with conventional drugs is also do not involve inventive step in the absence of any demonstrated synergistic effect as the combination with any conventional drug is obvious to a person skilled in the art.

Therefore, the claims 2-5 and 19 do not involve inventive step.

2 The method claimed in claims 10-16 is not patentable u/s 3 (i) of the Patents Act, 1970.

3 The claim 19 which claims for the admixture of composition with conventional drugs is not patentable u/s 3 (e) of the Patents Act, 1970 in the absence of any demonstrated synergistic effect among the admixture.

4 Claim claims 1-9 and 17-19 are not fully supported by the description with working examples for the composition as claimed in any of the above claims and also there is no process example given as claimed. Therefore, the claims are not allowable.

5 The composition claimed in claims 17 and 18 is redundant to claim 1 composition in the absence of any difference in the ingredient and use of that composition cannot be a distinguishing feature when claimed for the product. Thus, these claims are not allowable.

6 Title of the Complete Specification given does not indicate the subject matter described/claimed. Therefore, title should be made proper.

7 The claims 2-5 are to be reworded to make them as process for preparation of composition claims. Form-2 should be filed as per Rule 9 of the Patents Rules, 2003. It should be dated and signed at the end of claims.

9 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 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.

Details regarding application for Patents which may be filed outside India from time to time for the

10 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 24/04/2013.

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. Amarendra Samal)

Asst. Controller of Patents & Designs

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