



सत्यमेव जयते

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

**Date : 04/09/2012**

To,  
L.S. DAVAR & CO.,  
PATENT AND TRADEMARKS ATTORNEY,  
5/1 (1ST FLOOR) KALKAJI EXTENSION, NEW  
DELHI-110019.

**SUB : Examination Report**

APPLICATION NUMBER : 1782/del/2007  
DATE OF FILING : 21/08/2007  
DATE OF REQUEST FOR EXAMINATION : 09/09/2008  
DATE OF PUBLICATION : 24/04/2009

With reference to the RQ No. 8902/RQ-DEL/2008 Dated 09/09/2008 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 :

Claims 1-4 falls u/s 3(P) of the Patents act 1970 as the claims relate to a herbal composition whose ingredients are traditionally known.

1. Claims 1-4 falls u/s 3(e) of the Patents act 1970 as the claims are related to a herbal composition which appears to be a mere admixture. In the absence of experimental data it is not clear if any unknown technical effect is obtained by using this composition in comparison to what is already known from the prior art.

Claims 1-4 lacks novelty and inventive step and hence cannot be considered as invention u/s 2(1j) of the Patents act 1970 in the light of the documents cited below:

1. Handbook on Herbal Medicines: H Panda - 2004 - books.google.com(<http://books.google.co.in/books?hl=en&lr=&id=TAxfd7liip0C&oi=fnd&pg=PA1&dq=herbal+composition+with+citrus+medica+,jatamansi,haldi+,patents&ots=7QXnrIzyJV&sig=mLKIgPmbQY5rTc2ag4po8Csgv2o#v=onepage&q&f=false>)

2. The book gives information about herbal compositions containing the same ingredients as those claimed in the present invention thereby leading to lack of novelty.

2. Formulation: [www.ikdl.res.in/tkdl/LangDefault/Formulation/Member\\_Docs/BLC/Asyurveda/highlight.asp?a=/tkdl/lang? AK9/330](http://www.ikdl.res.in/tkdl/LangDefault/Formulation/Member_Docs/BLC/Asyurveda/highlight.asp?a=/tkdl/lang? AK9/330)

Traditional Knowledge Resource Knowledge Known Since 500 Years: Visucikahara Anjanam

DETAILS OF PROCESS / FORMULATION :

1. Visucikahara Anjanam is a therapeutic single / compound formulation consisting of useful parts of following ingredient(s) :

Mercury (p?rada). Pongamia pinnata (Linn.) Pierre ( kara?ja, naktam?la, udak?rya) (pongame oiltree ), Citrus medica Linn. (b?jap?ra) (citron ), Nardostachys Jatamansi (D.Don) DC. ( ja??m??s?. mur? (sth?n?panna au?adhi)) (Spikenard, Indian nard), Curcuma longa (haridr?) (common turmeric, Turmeric), Sour vinegar ( amlak??jika/ ?ran?la/ dh?ny?mla) herapeutic composition / formulation is mentioned below :

1. Mercury (p?rada) Purified 1 Part

2.Pongamia pinnata (Linn.) Pierre ( kara?ja, naktam?la, udak?rya) (pongame oiltree ) Seed - Pow der 1 Part

3 trikatu -

**Zingiber officinale Roscoe ( ?rdraka, ?u??h?) (garden ginger, Ginger) Rhizome - 0.33 Part**

**Piper nigrum Linn. ( marica) (Black Pepper) Fruit - 0.33 Part**

**Piper longum Linn. ( pippal?) (Indian Long Pepper, Long Pepper) Fruit - 0.33 Part**

**4 Citrus medica Linn. (b?jap?ra) (citron ) Root Bark;Pow der 1 Part**

5.Nardostachys Jatamansi (D.Don) DC. ( ja??m??s?. mur? (sth?n?panna au?adhi)) (Spikenard, Indian nard) Root -Pow der 1 Part

6 Curcuma longa (haridr?) (common turmeric, Turmeric) Rhizome - Pow der 1 Part

\* Bh?van? Dravya (Liquid drugs for processing)

7 Sour vinegar ( amlak??jika/ ?ran?la/ dh?ny?mla) - - Q.S

3. Therapeutic composition mentioned above is prepared as All the above ingredients are mixed well

(PRIOR ART) :Cu??ma?i Rasak?madhenu Sa?hit? - Edited by Jivaramakalidasa Sastri, Part 4.

Chaukhambha Publishers, Varanasi, Edn. 1st 1992 prior art Page110

It is obvious from the information obtained from the prior art documents that the herbal composition containing these 4 ingredients are already well known since ages and hence the claims lack novelty and inventive step.

Clerical errors in pages 3,4 of teh complete specification should be corrected.

- 3 Clerical errors in the claims (Piper Nigrum) with respect to the ingredients of the composition should be corrected.

The subject matter of claims are not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. The specification doesn't cover the whole scope of the claimed invention and the invention can't be carried out without undue experimentation. Moreover no data has been provided to demonstrate the therapeutic activity of the claimed composition. Hence the main claim lacks support and the application lacks disclosure. Claims should be restricted to compounds supported by the description and for which the therapeutic effect has been demonstrated.

- 5 Claim 1 defines plurality of inventions for the reason that the said claim is directed towards both a composition and process.

- 6 Power of Authority should be filed in accordance to the Patent Rules 135 of The Patents Act 1970,with the prescribed stamp duty as under the Indian stamp act, 1899.

7 Attention of the applicant is invited towards section 6 of the Biodiversity act which mandates that if biological material procured from india is used in the application for patent,permission and other information for making application for patent should be obtained from the national biodiversity authority and details should be furnished in form 1 column 9 (iii)

Relevant application form (form 3,rule 18) for such permission is available in the website of national biodiversity authority.

- 8 Source and geographical origin of the biological materials used in the specification should be given in the specification in accordance with section 10(4) (d).

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.

10 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 serton 8 and rule 12(1) of Indian Patent Act.

- You are requested to comply with the objections by filing your reply by way of explanation and/or
- c) **amendments within 12** months from the date of issue of FIR failing which your application will be treated as "Deemed to have been abandoned" under section 21(1) of the Act. The last Date is 04/09/2013.
  - 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. N. Mukherjee)**

Asst. Controller of Patents & Designs

NOTE : All Communications to be sent to the Controller of Patents at INTELLECTUAL PROPERTY BUILDING Plot No. 32, Sector-14,Dwarka New Delhi - 110 078.

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