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Date : 13/07/2011

Letter No.:-CHEM/2012/

To,
RAJESHKUMAR H. ACHARYA
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SUB : Examination Report

APPLICATION NUMBER : 1973/MUMNP/2007
DATE OF FILING : 26/11/2007
DATE OF REQUEST FOR EXAMINATION : 22/06/2009
DATE OF PUBLICATION : 18/01/2008

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.

a) 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:

b) Objections :

1 The invention as claimed in the claims 1-22 lack Novelty & Inventive step for instance see cited documents
The instant application refers to the usefulness of Euphorbia tirucalli latex for the treatment of cancer, has been claimed to be novel. However, in Traditional Knowledge Digital Library (TKDL) there are several references where Euphorbia tirucalli (Indian tree spurge) has been used for the treatment of Cancer/ Carcinoma in the Indian systems of medicine, since long. Hence, there does not seem to be any novelty or inventive step involved in the claims made in the above referred patent application. The alleged patent application claims the usefulness of Euphorbia tirucalli latex for the treatment of cancer as novel. However Euphorbia tirucalli has been used for the treatment of Cancer/ Carcinoma through oral administration, in the Indian systems of medicine, since long, as is evident from exhibits cited from the books namely Anuboga Vaithiya Navaneetham by Abdulla Sahib (Siddha, Exhibit 1: pg. no. 04-06), Bogar700 by Bogar (Siddha, Exhibit 2: pg. no. 07-10), Bogar700 by Bogar (Siddha, Exhibit 3: pg. no. 11-16). In addition to the aforesaid references, some other references also exist in TKDL, wherein Euphorbia tirucalli has been used alone or in combination with few other ingredients for the treatment of Cancer/ Carcinoma. Hence the

said application is not novel as per the cited prior art and does not involve any inventive step, therefore cannot qualify for the grant of patent rights.

D. Prior art (Documents & Reference)

1. Anuboga Vaithiya Navaneetham by Abdulla Sahib; Pub:Palani Thandayuthapani Devasthanam publications , Directorate of Indian systems of Medicine,

Chennai.(1975). Pg 51, 52

Formulation ID: GR05/69

Formulation Name: Linga Chenduram-20

2. Bogar700 by Bogar; Ed.Ramachandran, Pub: Thamarai Noolagam Chennai (1994)

Pg 29

Formulation ID: PD03/22

Formulation Name: Araiappukku Mooligai Chaaru

3. Bogar700 by Bogar; Ed.Ramachandran, Pub: Thamarai Noolagam Chennai (1994) Pg 18, 19

Formulation ID: PD03/09

Formulation Name: Sivan Vembu Chooranam

Exhibit 1 : (pg. no. 04-06) refers to a formulation containing Euphorbia tirucalli along with few other ingredients used for the treatment of cancer through oral administration.

Exhibit 2 : (pg. no. 07-10) refers to a formulation containing Euphorbia tirucalli along with few other ingredients used for the treatment of cancer through oral administration.

Exhibit 3 : (pg. no.11-16) refers to a formulation containing Euphorbia tirucalli along with few other ingredients used for the treatment of cancer through oral administration.

Also refer to the cited documents

D1: FATOPE M O ET AL: "Selectively cytotoxic diterpenes from Euphorbia poissonii." JOURNAL OF MEDICINAL CHEMISTRY. 16 FEB 1996, vol. 39, no. 4, (1996-02-16), pages 1005-1008, XP002374791 ISSN: 0022-2623

D2: US 2003/171334 AI (AYLWARD JAMES HARRISON ET AL) (2003-09-11)

D3: PIETERS LUC ET AL: "Isolation of a dihydrobenzofuran lignan from South American dragon's blood (Croton spp.) as an inhibitor of cell proliferation" JOURNAL OF NATURAL PRODUCTS (LLOYDIA), vol. 56, no. 6, 1993, pages 899-906, XP002374792 ISSN: 0163-3864

D4: GINER J L ET AL: "Nonpolar components of the latex of Euphorbia peplus." JOURNAL OF NATURAL PRODUCTS. FEB 2000, vol. 63, no. 2, February 2000 (2000-02), pages 267-269, XP002374793 ISSN: 0163-3864

D5: GUNDIDZA M ET AL: "A skin irritant principle from Euphorbia matabelensis Pax" JOURNAL OF ETHNOPHARMACOLOGY , vol. 39, no. 3, 1993, pages 209-212, XP002374794 ISSN: 0378-8741

D6: VAN DEN BERG A J ET AL: "Curcacycline A--a novel cyclic octapeptide isolated from the latex of Jatropha curcas L." FEBS LETTERS. 30 JAN 1995, vol. 358, no. 3, 30 January 1995 (1995-01-30), pages 215-218, XP002374795 ISSN: 0014-5793

- 2 The use as claimed in the claims 6, 7, 12-14 do not constitute an invention as per section 2(1) (j) of the Patents Act, 1970 as amended by the Patents (Amendment) Act 2005 therefore not allowable.
- 3 The % or proportion of components used for the preparation of composition as claimed in claim 8 should be defined clearly.
- 4 What is claimed in claims 15 to 19 falls under section 3(i) of the Patents Act, 1970 as amended by the Patents (Amendment) Act 2005, therefore not allowable.
- 5 Claim 20 does not clearly define the process, all the novel inventive process features should be incorporated in claim 1.
- 6 Claim 23 is omnibus claim is not sufficiently definitive in the absence of an explicit statement of invention.
- 7 Claim 23 is omnibus claim is not sufficiently definitive in the absence of an explicit statement of invention.it does not define the technical feature for which a protection is sought.
- 8 The Drawings referred to in the specification should be prepared in accordance with the instructions contained in the Rule 15 of the Patent Rules, 2006.

(N. Ramchander)

Asst. Controller of Patents & Designs

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