

PATENT COOPERATION TREATY

PCT

2011210381

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

14-2-14

(PCT Rule 44bis)

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| Applicant's or agent's file reference AG-JAN11-01 | FOR FURTHER ACTION | | See item 4 below |
| International application No. PCT/IN2011/000067 | International filing date (<i>day/month/year</i>) 31 January 2011 (31.01.2011) | Priority date (<i>day/month/year</i>) 01 February 2010 (01.02.2010) | |
| International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237 | | | |
| Applicant SREE RAMCIDES CHEMICALS PVT LTD | | | |

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|--|-------------------------------------|---|---------------------|--------------------------|------------|----------|--------------------------|-------------|--|--------------------------|------------|----------------------------|-------------------------------------|-----------|---|--------------------------|------------|-------------------------|--------------------------|-------------|--|--------------------------|--------------|---|
| <p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i>.1(a).</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p> | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>3. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 25%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p> | <input checked="" type="checkbox"/> | Box No. I | Basis of the report | <input type="checkbox"/> | Box No. II | Priority | <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> | Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | <input type="checkbox"/> | Box No. VI | Certain documents cited | <input type="checkbox"/> | Box No. VII | Certain defects in the international application | <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. II | Priority | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VI | Certain documents cited | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application | | | | | | | | | | | | | | | | | | | | | | |

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| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70 | Date of issuance of this report 07 August 2012 (07.08.2012) Authorized officer <p style="text-align: center;">Philippe Bécamel</p> e-mail: pt01.pct@wipo.int |
|---|---|

Form PCT/IB/373 (January 2004)

This data, for application number 2011210381, is current as of 2014-03-07 22:16 AEST

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

Altacit Global,
Creative Enclave, III Floor, 148-150
Luz Church Road,
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) 31.05.2011

Applicant's or agent's file reference
AG-JAN11-01

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IN2011/000067

International filing date (day/month/year)
31 January 2011

Priority date (day/month/year)
1 February 2010

International Patent Classification (IPC) or both national classification and IPC
Int. Cl.

A01N 65/20 (2009.01) *A01N 65/38* (2009.01)
A01N 65/36 (2009.01) *A01N 65/48* (2009.01)

Applicant

SREE RAMCIDES CHEMICALS PVT LTD et al

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA
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Date of completion of this opinion

18 May 2011

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/IN2011/000067

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - The international application in the language in which it was filed
 - A translation of the international application into, _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3(a) and 23.1(b)).
2. This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
 - a. (means)
 - on paper
 - in electronic form
 - b. (time)
 - in the international application as filed
 - together with the international application in electronic form
 - subsequently to this Authority for the purposes of search
4. In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/IN2011/000067

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|-----|
| Novelty (N) | Claims 2-13 | YES |
| | Claims 1 | NO |
| Inventive step (IS) | Claims 2-13 | YES |
| | Claims 1 | NO |
| Industrial applicability (IA) | Claims 1-13 | YES |
| | Claims NONE | NO |

2. Citations and explanations:

D1 BHAUGIKA M, "Sarva Candana Guna", Dhanvantarinighatauh, TKDL Abstract No AK12/211B, Knowledge known for 500 years.

D2 BHAUGIKA M, "Kucandana Guna", Dhanvantarinighatauh, TKDL Abstract Number AK12/213, Knowledge known for 500 years

D3 SODHALA, "Samasta Candana Guna" Sodhalanighantauh, TKDL Abstract Number RG9/213, Knowledge known for 500 years

D4 AUTHOR UNKNOWN, "Nayanabhogata Cikitsa", Nighanturatnakarah, TKDL Abstract Number VK2/1732B, Knowledge known for 100 years

D5 ADEAPO A. D et al; Blood Pressure Lowering Effect of Adenanthera pavonina Seed Extract on Normotensive Rats, Records of Natural Products (2009), pages 82-89

D6 OLAJIDE O A et al; Anti-inflammatory studies on Adenanthera pavonina seed extract, Inflammopharmacology (2004), Vol 12, No 2, pp 197-202

NOVELTY (N)

Document D1 discloses a therapeutic composition comprising Adenanthera pavonina (Adenanthera peronia). It is considered that the term "for" recited in the claims does not limit the scope of the claimed invention to controlling pests in agriculture and horticulture crops but merely recites a composition capable of this purpose. Thus it is considered that the composition of document D1 is capable in controlling pests in agriculture and horticulture crops and thus falls within the scope of the claim 1 of the present application.

Document D2 discloses a therapeutic composition comprising Adenanthera pavonina (Adenanthera peronia). It is considered that the term "for" recited in the claims does not limit the scope of the claimed invention to controlling pests in agriculture and horticulture crops but merely recites a composition capable of this purpose. Thus it is considered that the composition of document D2 is capable in controlling pests in agriculture and horticulture crops and thus falls within the scope of claim 1 of the present application.

CONTINUED IN SUPPLEMENTAL BOX I

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International Application No.

PCT/IN2011/000067

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box No. V

Document D3 discloses a therapeutic composition comprising *Adenenathera pavonina* (*Adenanthera peronia*). It is considered that the term "for" recited in the claims does not limit the scope of the claimed invention to controlling pests in agriculture and horticulture crops but merely recites a composition capable of this purpose. Thus it is considered that the composition of document D3 is capable in controlling pests in agriculture and horticulture crops and thus falls within the scope of the claim 1 of the present application.

Document D4 discloses a therapeutic composition consisting of *Adenenathera pavonina* (*Adenanthera peronia*) which is mixed with some liquid or other medium. It is considered that the term "for" recited in the claims does not limit the scope of the claimed invention to controlling pests in agriculture and horticulture crops but merely recites a composition capable of this purpose. Thus it is considered that the composition of document D4 is capable in controlling pests in agriculture and horticulture crops and thus falls within the scope of the claim 1 of the present application.

Document D5 discloses that a methanol extract of *Adenenathera pavonina* (*Adenanthera peronia*) causes significant reduction of the mean arterial blood pressure (page 88, lines 1-3). It is considered that the term "for" recited in the claims does not limit the scope of the claimed invention to controlling pests in agriculture and horticulture crops but merely recites a composition capable of this purpose. Thus it is considered that the composition of document D5 is capable in controlling pests in agriculture and horticulture crops and thus falls within the scope of the claim 1 of the present application.

Document D6 discloses a methanol extract of *Adenenathera pavonina* (*Adenanthera peronia*) exhibited anti-inflammatory and analgesic properties (page 201, lines 18-19). It is considered that the term "for" recited in the claims does not limit the scope of the claimed invention to controlling pests in agriculture and horticulture crops but merely recites a composition capable of this purpose. Thus it is considered that the composition of document D6 is capable in controlling pests in agriculture and horticulture crops and thus falls within the scope of the claim 1 of the present application.

Therefore the subject matter of claim 1 is not new and does not meet the requirements of Article 33(2) of the PCT with regard to novelty.

Each of the cited prior art documents D1-D6 differs from the present invention defined by claims 2-13 in that these citations do not disclose a botanical pesticide comprising *Adenanthera peronia* (*Adenathera pavonina*) in combination with methanol and ingredients selected from *Acorus calamus*, *Alpine galangal*, *Euterpe precatorea*, *Acontium heterophyllum*, *Thevetia nerifolia*, *Aegle marmalus* and *Solanum xanthocarbium*.

Therefore, the subject matter of claims 2-13 is new and meets the requirements of Article 33(2) of the PCT with regard to novelty.

INVENTIVE STEP (IS)

The invention defined by claim 1 is considered to lack novelty and as such the information defined by these claims cannot be considered to possess an inventive step.

Therefore, the subject matter of claim 1 is obvious and does not meet the requirements of Article 33(3) of the PCT with regards to inventive step.

CONTINUED IN SUPPLEMENTAL BOX II

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International Application No.

PCT/IN2011/000067

Supplemental Box II

In case the space in any of the preceding boxes is not sufficient.

Continuation of: **Supplemental Box I**

The invention defined by claims 2-13 differs from each of the cited prior art documents D1-D6 in that these documents do not suggest a botanical pesticide comprising *Adenathera peronia* (*Adenathera pavonina*) in combination with methanol and ingredients selected from *Acorus calamus*, *Alpine galangal*, *Euterpe precatorea*, *Acontium heterophyllum*, *Thevetia nerifolia*, *Aegle marmalus* and *Solanum xanthocarbium*.

Therefore, the subject matter of claims 2-13 is not obvious and meets the requirements of Article 33(3) of the PCT with regard to inventive step.

INDUSTRIAL APPLICABILITY (IA)

The invention defined in the claims is considered to meet the requirements of Industrial Applicability under Article 33(4) of the PCT because it can be made by, or used in, industry.