

2195/CHE/2008



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**Letter No.:-BIO-TECH/2013/**

**Date : 31/01/2013**

To,  
M/s DePenning & DePenning,  
120, Velachery Main Road, Guindy,  
Chennai - 600 032.

**SUB : Examination Report**

APPLICATION NUMBER : 2195/CHE/2008  
DATE OF FILING : 10/09/2008  
DATE OF REQUEST FOR EXAMINATION : 10/09/2008  
DATE OF PUBLICATION : 02/04/2010

With reference to the RQ No. 4743/RQ-CHE/2008 Dated 10/09/2008 in the above mentioned application for Grant of Patent ,  
a) Examination has been conducted under Section 12 and 13 of the Patents Act 1970 , The following objections are hereby communicated

b) Objections :

The subject matter of claims lacks novelty in view of the cited prior art documents D1-D15,D1: RG12/1019(TKDL),D2: RD/537(TKDL)>D3: RS21/77(TKDL),D4: A pharmaceutical note on Baptisia Tinctoria by David I. Matcht and James A Black (Journal of American Pharmaceutical Association vol-16, issue -11, page-1056-1059 November 1927),D5: Gems of Homoeopathic materia medica by Dr. J.D. Patil 1999, B Jain Publishers Pvt Ltd, page no-125-131,D6: Botanical materia medica and pharmacology, Drugs considered from botanical, pharmaceutical, physiological, therapeutically and toxicological standpoint by S.H. Aurand, Cornell University Library 1899 Page no-36-38.D7: AK/291 (TKDL),D8: AB/813(TKDL),D9: BP/1136(TKDL),D10: RS4/412(TKDL),D11: VK1/95(TKDL),D12: AH2/80(TKDL),D13: RD/30(TKDL),D14: JA6/1080(TKDL),D15: Botanical materia medica and pharmacology, Drugs considered from botanical, pharmaceutical, physiological, therapeutical and toxicological standpoint by Samuel Herbert Aurand,Cornell University Library 1899 ,Page no-165.

1 Claims 1-18 lacks novelty in view of above mentioned cited documents:-

Document D1-D3 describes the role of a herbal composition containing Swertia Chirata in treatment of Fever and pyrexia.

Document D4: Page no1059 describes the use of Baptisia Tinctoria in treatment of typhus and Scarlet fever.

Document D5: page no-125 & 131 discloses that Baptisia Tinctoria is used in indications like puerperal fever.

Document D6: Page no-36-38 describes that Baptisia Tinctoria is useful to cure typhoid fever and hectic fever.

Document D7-11: disclose the role of a herbal composition, having Swertia Chirata and Azadirachta Indica useful against pyrexia/fever.

Document D12: describes the role of an herbal composition, having Atropa Belladonna in treating fever.

Document D13-14: disclose that composition containing Eucalyptus Globulus is useful against Fever.

Document D15: Page no-165 describes that Eucalyptus Globulus is used for treatment of intermittent and remittent fever.

2 This application does not meet the requirement of section 3(e) of the Patents Act 1970 in that the subject matter of claims 1-18 relate to a mere admixture lacking support in the description for synergistic activity .

3 This application does not meet the requirement of section 3(p) of the Patents Act 1970 in that the subject matter of the claims relate to traditional knowledge.Refer TKDL RS/3101, RS8/467, RS17/991, RS2/254C, JA6/1080, RD/30, AH2/80, RS21/86(Documents enclosed for reference).

4 This application does not meet the requirement of section 3(i) of the Patents Act 1970 in that the subject matter of claims 19,20 relate to a method of treatment.

Source & Geographical origin of Biological materials in the specification should be disclosed.If the invention uses biological material from India, prescribed permission from the competent authority(National Biodiversity Authority, Chennai) should be obtained and a declaration to that effect should be made in paragraph 9 (iii) of Form-1.If the declaration in Form-1 regarding the use of biological material from India is cancelled out by the applicant and the specification also states that the source and

geographical origin of the biological material is not from India, the specification should be amended by way of incorporation of a separate heading/paragraph at the beginning of the description that the biological material used in the invention is not from India and should clearly specify the country of source and geographical origin of the same.

6 Complete specification should fully and particularly describe the invention and its operation and use and the method by which it is to be performed. The complete specification should also disclose the best method of performing the invention known to the applicant and for which he is entitled to claim protection, as required U/S.10(4) of the Patents Act, 1970.

7 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.

8 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 31/01/2014.

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.

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