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Date : 04/03/2013

Letter No.:-CHEM/2013/

To,
KRISHNA & SAURASTRI ASSOCIATES.,
74/F, VENUS,
WORLI SEA FACE
MUMBAI - 400 018

SUB : Examination Report

APPLICATION NUMBER : 2632/MUM/2009
DATE OF FILING : 13/12/2009
DATE OF REQUEST FOR EXAMINATION : 24/02/2011
DATE OF PUBLICATION : 06/05/2011

With reference to the RQ No. 655/RQ-MUM/2011 Dated 24/02/2011 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 :

Reference is made to following documents;

D1; Bharata Bhaisajya Ratnakara ?compiled by Naginadasa Changanalala Saha, Translated by Goipnathi Gupta- Vol1, B. Jain Publishes By New Delhi, Edn 2 nd Reprint, August 1999 [this book contains back references from 1000 BC to 20th Century] , Traditional Knowledge digital library TKDL,

Page no 278;

D2; Sarngadhara Samhita, Translated by Smt.Shailaja Srivastawa, Chukhambha Orientalia, Varanasi Edn, 1998 [Time of origin 13th century], Traditional Knowledge digital library TKDL, Page no 169-170.

D3; Shastrayoga, translated by D.V. Panditarao; Central Council for research in Ayurveda and Siddha, New Delhi, 1990, [this

1 book contains back references from 1000 BC to 20th Century], page no 289, Traditional Knowledge digital library TKDL
Subejct-matter claimed in claim 1-13 is not meeting requirement of section 2 (1) (j) (a) of Patents Act being obvious over document D1-D3;

Document D1 discloses use of piper nigrum fruits for treatment of pyschosis, insanity, mania, stress related disease;

Document D2 discloes use of Trachypermum ammi (ajowan) seeds as powder for curing pyschosis, insanity, mania, stress related disease;

Document D3 discloes use of Hibiscus rosa-sinensis flowers for curing pyschosis, insanity, mania, stress related disease;

Therefore, combining use of the above hers or use of plant parts, extract in the form of oil for curing stress related disease is on obvious use of the combination of the known herbs material, therefore no inventive step may be acknowledged;

2 Subejct-matter claimed in claims 1-13 is not patentable u/s 3 (e) of Patents Act;

3 Subejct-matter claimed in claim 14 is not patentable u/s 3 (i) of Patents Act.

Subejct-matter claimed in claim 17 is not definite for the scope of the claim for which protection is desired as the claim refers to description and examples, therefore is not meeting requirement of section 10 (4) (c) of Patents Act.

4 Subejct-matter claimed in claim 13 is definite for scope of the claim as it claims the effect achieved due to the composition of the claim , therefore does not meet requirement of section 10 (4) (c) of Patents act.

5 Subject-matter claimed in claims 1-17 involves use of the biological material for the purpose of obtaining intellectual property, therefore applicant is required to obtain necessary permission from National Biodiversity Authority as per provisions of section 6 of National Biodiversity Act 2002;

- Subject-matter claimed in claim 1-17 uses biological materials in the form of herbal extract derived from plant material for which geographical location of the same is to be disclosed in the specification as per requirement of section 10 (4) (d) 2 (D) of Patents Act 1970;
- Requirement of declaration made under para 9 (3) of the Form 1 of patent application is not fulfilled
- 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 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.
- 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 04/03/2014.
- 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.

(Amitava Chakraborty)

Asst. Controller of Patents & Designs

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