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20 January 2011

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Your Ref: 144019

Examiner's report no. 2 on patent application no. 2009217410
by Dynamiclear Pty Ltd

Last proposed amendment no.

Dear Madam/Sir,

I note that a first report on this application was issued on 12 October 2009. This second report has been issued as a result of a Third Party Observation under Section 27 of the Australian Patent Act of 1990. The citations have been fully considered and as a result this report has been generated to address further novelty/inventive step objections. You will need to respond to issues raised in both the first and second reports when submitting a response.

5. The invention defined in claims 1-3, 15, 18, 25-28 and 30-32 lacks novelty (and an inventive step) in light of the following citation:

D6: Mohammad Azam Khan; Ikseer Azam, Vol. IV (19 Century AD), Matba Nizami, Kanpur, 1872 AD Pg 378[^]

D6 discloses a therapeutic composition comprising copper rust, Aloe barbadensis Mill, massicot and cow for the treatment of Herpes Zoster. The composition of D6 is formulated as a medicated paste for external application. Hence claims 1-3, 15, 18, 25-28 and 30-32 lack novelty and an inventive step in light of D6.

[^] citation supplied on the 4 January 2011 as a Third Party Observation under Section 27 of the Australian Patent Act of 1990

You have until 12 July 2011 to overcome all my objection(s) otherwise your application will lapse.

You will need to pay a monthly fee for any response you file after 12 months from the date of the first report.

You will also need to pay any annual continuation fees that apply. These will normally be first due five years from the filing date. Please note however that earlier commencement dates apply for divisional applications.

Information about fees may be obtained by phoning 1300 651 010.

Yours faithfully,

CORRINA PARKER
Patent Examination A
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