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Letter No.:-BIO-TECH/2015/

Date : 26/11/2014

To,
DR. A.N. SINGH,
M/S. CELESTIAL BIOLABS LTD.,
PLOT NO.231-A, ROAD NO.12, MLA COLONY,
BANJARA HILLS, HYDERABAD - 500 034.,
ANDHRA PRADESH.

SUB : **Examination Report**

APPLICATION NUMBER : **1118/CHE/2010**
DATE OF FILING : 20/04/2010
DATE OF REQUEST FOR EXAMINATION : 20/04/2010
DATE OF PUBLICATION : 28/10/2011

With reference to the RQ No. 2756/RQ-CHE/2010 Dated 20/04/2010 in the above mentioned application

- a) for Grant of Patent , Examination has been conducted under Section 12 and 13 of the Patents Act 1970 ,
The following objections are hereby communicated
- b) Objections :
- 1 Claim 1 does not define the invention clearly. The claim should be in a single sentence and should define the scope of the invention clearly.
Notwithstanding above mentioned objection, Claim 1 is not patentable u/S 3(e) of the Patents Act, 1970
- 2 as they relate to a mere admixture lacking support in the description for synergistic interaction between the constituents.
Claim 1 is not patentable u/S 3(p) of the Act as it relates to Traditional knowledge. Refer the list of
- 3 documents with date of publication (PRIOR ART) in enclosed TKDL documents D1:RG/2288, D2:VS/3715.
- 4 Claim 1 lacks inventive step u/S 2(1)(ja) of the Act in view of cited documents. D1:(pg. no. 6-8) refers to a formulation containing Asparagus racemosus Willd., Withania somnifera (Linn.), Tribulus terrestris Linn. along with few other ingredients used for the treatment of immuno suppressive / Emaciating disease and as anti wrinkle, Intellect promoting, Memory enhancer and Beneficial for life span/ Providing longevity.
D2:(pg. no. 18-20) refers to a formulation containing Convolvulus microphyllus) C. pluricaulis, Asparagus racemosus and Bacopa monnieri (Linn.) along with few other ingredients used as Beneficial for life span/ Providing longevity, Intellect promoting and Memory enhancer through oral administration.

Instant application claims the usefulness of a composition comprising of Brahmi 1.5g, Ashwagandha 0.625g, Shatavari 0.4g, Shankhpusphi 1.25g, Gokshuru 0.25g, Flavoured sugar base qs and Preservatives Sodium benzoate 0.1% to provide preventive granules to delay the onset of age related problems. The choice of herbs is based on their specific benefits to memory in combination with neuro/immuno-modulation /strengthening and primary antiaging advantages as novel. However, Brahmi (Bacopamonnieri), Ashwagandha (Withania- somnifera), Shankhpusphi (Convolvulus microphyllus/C. pluricaulis), Shatavari (Asparagus racemosus) and Gokshuru (Tribulus terrestris) have been used for the treatment of Diseases of nervous system, immuno suppressive / Emaciating disease, general weakness, loss of intellect, memory loss and have also been used as anti wrinkle, Intellect promoting, Memory enhancer and Beneficial for life span/ Providing longevity, Immuno potentiators/Anti ageing/Anti oxidant, Nutrient, nervine tonic, brain tonic, complexion promoting, alleviates all diseases and lusture promoting agents through oral administration in the Indian systems of Medicine, since long, as is evident from cited documents.

It would have been obvious to a person skilled in the art to have arrived at the instantly claimed composition by combining the teachings of the prior art documents.

- 5 Claim 1 is not fully supported by the description, with working example for composition and its preparation, as required u/s 10(5) of the Patents Act, 1970.

Attention of the applicant is invited towards Section 6 of Biodiversity Act, 2002 which mandates that if biological material procured from India is used in an application for patent, permission and other information for making application for patent should be obtained from the National Biodiversity Authority, Relevant application form (Form 3, Rule 18) for such permission is available in website of National Biodiversity Authority. Form 1 of Patent Act should be completed w.r.t column 9 (iii). Source and geographical origin of the biological material used should be given in the specification in accordance with section 10(4)(d).

- 6
7 Title of the complete specification should be amended in conformity with the claim amendments so as to make it consistent with the amended claims, if any. While filing amended claims (if any) the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, not to add subject matter, which extends beyond the content of the application as originally filed. If any corrections/amendments is made in any page of the specification that page should be freshly typed and filed in duplicate along with a marked copy clearly highlighting the corrections/amendments made.

- 8 Form-1 submitted is not complete as the declarations given in paragraph 9 (iii) of Form-1 are not marked/ticked, especially for biological material. Therefore, the correct and complete Form-1 (as prescribed in the Patent Rules, 2003) should be filed in the prescribed manner by filing Form-13 for correction.

- 9 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.

10 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
- c) 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 26/11/2015.
- 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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