



1506/MUM/2011



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Date : 28/04/2014

**Letter No.:-CHEM/2014/**

To,  
D/6 PRAGNANAGAR SOCIETY, NR. KALA DARSHAN CHAR  
RASTA WAGHODIA ROAD, VADODARA. GUJARAT-INDIA

SUB : **Examination Report**

APPLICATION NUMBER : 1506/MUM/2011  
DATE OF FILING : 18/05/2011  
DATE OF REQUEST FOR EXAMINATION : 24/08/2011  
DATE OF PUBLICATION : 07/10/2011

With reference to the RQ No. 2977/RQ-MUM/2011 Dated 24/08/2011 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; Bherata Bhai Ratnekar compiled prio art 312 by Nagnasadesa Changanalesha translated by Gopinath Gupta Vol. 1 B. Jain Publishres New Delhi Edn. 2nd Reprint August 1999. TKDL. References Page 312; (AB/1024) D2; Harita Samhita Translated by Hariharaprasada Tripathi Chaukhambha Krishnana das Academy ( Varanasi Ist 2005; TKDL Reference AJ/416; D3; Khazaiin ?al-Advia VOL II 20th Century AD ( naddem Prinuitter Sheikh Mohd Bashher & Sons Lahor 1911, Page 185-187 TKDL Reference AN/2172 Subject-matter claimed in claims 1-7 is not meeting requirement of section 2 (1) (j) of Patents Act being obvious over document D1-D3; Document D1 teaches use Curcuma Longa ( turmeric) for treating Jaundice; Document D2 teaches use of Cow milk for treating Jaundice; Document D3 teaches use Ocimum Sanctum (tulsi) treating Jaundice Therefore, combination of D1-D3 for treating is obvious to person skill in the art, therefore no inventive step may be acknowledged;

(a) Subject-matter claimed in claims 1 is not patentable u/s 3 (c) of Patents Act;

2 (b) **Subject-matter claimed in claims 1 is not patentable u/s 3 (p) of Patents Act( see for instance the documents filed with pregrant opposition filed under section 25(1) of the Act.)**

The instant application does not fulfill requirement of the section 10 (4) as mentioned below; 10 (4) Every Complete specification shall ? (a) Fully and particularly describes the invention and its operation or use and the method by which it is to be performed;

3 (b) Disclose the best method of performing the invention which is known to the applicant and for which he is entitled to claim protection; and (c) End with claim or claims defining the scope of the invention for which protection is claimed; (d) Be accompanied by an abstract to provide technical information on the invention; So, best method of working of the the invention by way of examples or otherwise has not been disclosed. Further complete specification filed on 31/07/2012 cannot be taken on record.

4 The applicants have amended Description & claims with addition of additional matter which is beyond the scope of earlier disclosure , such an amendments is out of scope of Section 59 read with section 57, therefore not allowable. Further how these claims have derived from originally filed claimes by way of marked copy has not been explained. Form -13 filed for such amendment can not be allowed. Amended claims filed only claim name of the diseases though that has not been taken on record.

5 **It is to inform you that an opposition has been filed by way of representation 17/s.25 (1) found to be relevant . Please find enclosed herewith a copy of the representation received from Opponent. For details refer exhibits filed with pregrant opposition .You are required to file your statement and evidence if any, in support of your application as per Rule 55 (3) & 55(4) of the Patents Rules, 2003 as amended by 2006**

6 1. Subject-matter claimed in claims 1 involves use of the biological material for the purpose of obtaining intellectual property, therefore applicant is require to obtain necessary permission from National Biodiversity Authority as per provisions of section 6 of National Biodiversity Act 2002; 2. Subject-matter claimed in claim 1 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; 3. Requirement of declaration made under para 9 (3) of the Form 1 of patent application is not fulfilled,

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 you application will be treated as "Deemed to have been abandoned" under section 21(1) of the Act. The last Date is 28/04/2015.

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.

(A T Patre)

Deputy Controller of Patents & Designs

NOTE : All Communications to be sent to the Controller of Patents at INTELLECTUAL PROPERTY BUILDING S. M. Road, Antop Hill Mumbai-400 037.

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