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153/MUM/2011

Letter No.:-CHEM/2013/

Date : 04/03/2013

To,
DR. SHUKLA MUKESH HARILAL
SHREE, RADHAKRISHNA SOCIETY CORNER,?
BEHIND DESAL BHAGAT VAV,
SURENDRANAGAR-363002
(GUJARAT) INDIA

SUB : Examination Report

APPLICATION NUMBER : 153/MUM/2011
DATE OF FILING : 19/01/2011
DATE OF REQUEST FOR EXAMINATION : 19/01/2011
DATE OF PUBLICATION : 27/05/2011

With reference to the RQ No. 169/RQ-MUM/2011 Dated 19/01/2011 in the above mentioned
a) application 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 :

Reference is made to following document;

D1; Rasacade or Rasaratnasa graha Edited by Vaidaraja Datto Ballalm, Borkar, published by Yagneshwar Gopal Dixit, Book seller Budhwar Peth, Pune 2nd Edition 1928, Page 425, Traditional knowledge Digital library, TKDL,

D2; Gandaingraha ed, Ganga Sahaya Pandeya and Com Indradeva Tripathi, Part-Prayoga Khanda Chaukhamba Sanskriti Santhan Varanasi, Ed 3rd, 1999, Page 353, Traditional knowledge Digital library, TKDL,

D3; ?The protective effect of phyllanthus emblica Linn, extract on ethanol induced rat hepatic injury ?Journal of Ethanopharmacology, 107, (2006), 361-364;

D4; Indian Patent application No. 2929/MUM/2009 (publication date 26/11/2010) ;

D5; ?Hepato-proetctive activity of Phyllanthjhus emblica against paracetamol induced Hepatic damage in Wister Albino Rats?, African Journal of Basic and Applied Sciences, 1 (1-2), 21-25, 2009

D6; ?An investigation on the Heaptoprotective activity of Gymnosporia montana?, Planta Med, 1994, 60 (4), 301-304

Subejct-matter claimed in claims 1-6 is not meeting requirement of section 2 (1) (j) (a) of Patents Act being obvious over document D1-D5;

Document D1 disclsoes use of Phyllanthus emblica for treating liver related disease,

Document D2 disclsoes Curcuma longa for treating liver related disease,

Document D3 relates to alcoholic liver disease treated by using Phyllanthus emblica extract in alcohol,

Document D4 disclose use of the Curcuma longa for treating liver related disease;

Document D5 relates to phyllanthus emblica can be used as hepatoprotective agent,

Document D6 relates to use of Gymnosporia Montana as Hepatoprotective agent,

2 Subejct-matter claimed in claim 1-6 is not patentable u/s 3 (e) of Patents Act.

3 Subject-matter claimed in claims 1-8 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;

4 Requirement of declaration made under para 9 (3) of the Form 1 of patent application is not fulfilled,

5 Subject-matter claimed in claim 1-8 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;

6 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.

7 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 04/03/2014.

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.

(Amitava Chakraborty)

Asst. Controller of Patents & Designs

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