

2583/MUM/2008



सत्यमेव जयते

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Date : 16/04/2013

Letter No.:-CHEM/2014/

To,
PATIL CHANDRAGOUDA RAOSAHEB
C/O PROF. P.H. PATIL,
PLOT NO. 48, MAYUR COLONY,
SHIRPUR,
TAL : SHIRPUR,
DIST: DHULE,
MAHARASHTRA-425 405.

SUB : Examination Report

APPLICATION NUMBER : 2583/MUM/2008
DATE OF FILING : 11/12/2008
DATE OF REQUEST FOR EXAMINATION : 21/02/2011
DATE OF PUBLICATION : 18/06/2010

With reference to the RQ No. 590/RQ-MUM/2011 Dated 21/02/2011 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; ?Antinociceptive effect and toxicological study of the aqueous bark extract of Barringtonia racemosa on rats?, Journal of Ethanopharmacology 86, (2003), 21-26

D2; ?Antioxidant and anti-inflammatory activities of leaves of Barringtonia racemosa?, Journal of Medicinal Plants Research pp 095-102, December 2007,

D3; Yogarantekara-Commentry by Lak am pati, Edited by Brahmankara Sastri Chaukhamba Sanskrit Santhan (Varanasi) Ed 7th 2002, Page 500, retrieved from internet link,

1 http://www.tkdil.res.in/tkdil/langdefault/common/TKDL_AdvanceQueryData.asp?GL=Eng

Subejct-matter claimed in claim 1-5 is not meeting requirement of section 2 (1) (j) Of Patents Act being obvious over document D1-D3;

Document D1 teaches antinociceptive effect and toxicological study of the aqueous bark extract of Barringtonia racemosa on rats (full text);

Document D2 disclsoes antioxidant and anti-inflammatory activities of leaves of Barringtonia racemosa;

Document D3 disclsoes use of plant from genus Barringtonia for the purpose of treating pain,

2 Subejct-matter claimed in claim 1, 2, 3 relates to distinct group of invention, which is not covered by the single inventive concept, therefore does not meet requirement of section 10 (5) of Patents Act

3 Subject-matter claimed in claims 1-5 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 Subject-matter claimed in claim 1-5 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;

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

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 16/04/2014.

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)

Deputy Controller of Patents & Designs

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