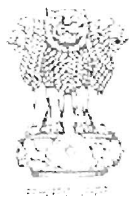


1734/DEL/2007



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**Letter No.:-BIO-TECH/2014/**

**Date : 07/09/2012**

To,  
L.S.DAVAR & CO., PATENT AND TRADEMARKS ATTORNEY,  
5/1,(FIRST FLOOR),KALKAJI EXTENSION, NEW  
DELHI-110019.

**SUB : Examination Report**

APPLICATION NUMBER : 1734/DEL/2007  
DATE OF FILING : 14-09-2007  
DATE OF REQUEST FOR EXAMINATION : 24-09-2008  
DATE OF PUBLICATION : 24-04-2009

With reference to the RQ No. 9475/RQ-DEL/2008 Dated 24-09-2008 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 :**

**Claims 1-4 lack novelty and inventive step and falls u/s 2(1)(j) of the Patents act 1970 in the light of the documents cited below:**

1. US6579543

The document discloses A composition for topical application to an animal's skin for relief from a variety of symptoms caused by medical conditions or physical injuries. The composition includes at least one compound having analgesic activity, at least one compound having anti-inflammatory activity, at least one compound having antioxidant activity, at least one compound having anti-neuralgic activity, at least one compound having blood circulation promotion activity, and at least one compound having antidepressant activity. A method for relieving pain by topical application of the composition is also provided.

2.US6555118

1 A pharmaceutical preparation for the treatment of wounds and ulcers in humans and animals and a method of preparation of the same are provided here.

3. **BP/1238 Trij?ty?dic?r?am:** [http://www.tkd.res.in/tkd/lan/default/Ayurveda/Ayu\\_Advancesearch.asp?GL\\_Eng](http://www.tkd.res.in/tkd/lan/default/Ayurveda/Ayu_Advancesearch.asp?GL_Eng)

4. **RG/183Dr?k??dyame?r?am**

The above two documents shows herbal compositions containing neem and camphor used for the treatment of Eczema and related diseases.

The claims of the present invention are directed towards a herbal composition containing neem,sesame oil and camphor used in the treatment of eezema.claims are anticipated by the prior art documents mentioned above leading to lack of novelty and inventive step.



Claims 1-5 fall u/s 3(p) of the patents act 1970 as they are directed towards a herbal composition /process whose ingredients are traditionally known for the treatment of medicinal conditions and hence cannot be allowed.

2 Claim 1 fall u/s 3(e) of the Patents (Amended) Act, 2005 as the said claims defines a mere admixture resulting only in the aggregation of the properties of the components thereof. It is not clear if the combined agents act together to provide a technical effect that is greater than just the sum of the two or more agents alone, or whether the combination is in fact a mere juxtaposition with no interaction of the agents.

Claims 2 to 5 fall u/s 3(e) of the Patents (Amended) Act, 2005 as the said claims are directed to a process for producing a composition (as claimed in claim 1) which appears to be a mere admixture.

1. major technical features of the invention should be given in claim 1 and it should be definitive.

2. The term "comprising" in claim 1 limits the scope of the invention and is vague.

3 3. The process which is mentioned in claim 2 is not properly defined. The steps involved should be clearly given.

4. The practice of including an omnibus claim (claim no.5) does not have any legal basis under the Patents Act. In fact, such a claim cannot be allowed as per Section 10(4)(c) of the Patents Act 1970. As such claims are unclear, vague and unsearchable, it is desirable to avoid omnibus claims in a patent application.

4 Complete specification should contain sufficient examples for proper understanding of the invention.

5 Endorsement by or assignment from the inventor to the applicant should be filed u/s 7(2) of the Patent Act 1970

6 Power of Authority should be filed in accordance to the Patent Rules 135 of The Patents Act 1970, with the prescribed stamp duty as under the Indian stamp act, 1899.

7 Attention of the applicant is invited towards section 6 of the Biodiversity act which mandates that if biological material procured from india is used in the application for patent, permission and other information for making application for patent should be obtained from the national biodiversity authority and details should be furnished in form 1 column 9 (iii) .

8 Source & Geographical origin of Biological materials in the specification should be disclosed.

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 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 09/09/2013.

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. N. Mukherjee)

Asst. Controller of Patents & Designs

NOTE : All Communications to be sent to the Controller of Patents at INTELLECTUAL PROPERTY BUILDING Plot No. 32, Sector-14, Dwarka New Delhi - 110 078.

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