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Letter No.:-BIO-TECH/2015/

Date : 27/05/2014

To,
DR. A.N SINGH
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HYDERABAD - 500 034.

SUB : Examination Report

APPLICATION NUMBER : 1111/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. 2734/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 is not patentable u/S 3(e) of the Patents Act, 1970 as it relates 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 documents with date of publication (PRIOR ART) in enclosed TKDI. documents D1:AK/4074,
2 D2:NA2/339Z39, D3:BP/1840, D4:NA2/503G, D4:RS/4749, D5:NA4/4347, D6:RS1/1204,
D7:NA2/464B, D8:RG10/121, D9: RS13/894, D10:AN2/172, D11:RS21/176, D12:AB/123, D13:
RG2/1491,

Not withstanding above mentioned objection, Claim lacks inventive step u/S 2(1)(ja) of the Patents Act, 1970 in view of cited prior art documents D1-D13.

D1:(pg. no. 06-10) refers to a formulation containing Winter Cherry (*Withania somnifera* (Linn.) Dun.), coastal waterhyssop (*Bacopa monnieri* (Linn.) Penn.), *Terminalia bellirica*, *Terminalia chebula*, *Acorus calamus*, *Zingiber officinale* Roscoe, *Piper longum*, *Embelia ribes* along with few other
3 ingredients used as an Intellect promoting, Memory enhancer and an Immuno
potentiators/Anti ageing/Anti oxidant through oral administration.

D 2:(pg. no. 11-12) refers to a formulation containing-calamus (*Acorus calamus* Linn.) as a single ingredient used as Brain tonic and Memory enhancer through oral administration.

D 3:(pg. no. 13-15) refers to a formulation containing calamus (*Acorus calamus* Linn.),

Terminalia bellirica, *Terminalia chebula*, *Phyllanthus emblica*, *Embelia ribes* along with few other ingredients used as Memory enhancer and an Immune potentiators/Anti ageing/Anti oxidant through oral administration.

D 4:(pg. no. 16-18) refers to a formulation containing coastal waterhyssop (*Bacopa monnieri* (Linn.) Penn.) as a single ingredient used as Memory enhancer and General tonic through oral administration.

D 5:(pg. no. 19-21) refers to a formulation containing coastal waterhyssop (*Bacopa monnieri* (Linn.) Penn.) as a single ingredient used as Memory enhancer and an Immuno potentiators/Anti ageing/Anti oxidant. Mode of administration is as directed by physician.

D 6:(pg. no. 22-24) refers to a formulation containing cultivated licorice (*Glycyrrhiza glabra* Linn.) along with few other ingredients used for the treatment of general tonic for children through oral administration.

D 7:(pg. no. 25-27) refers to a formulation containing cultivated licorice (*Glycyrrhiza glabra* Linn.), *Terminalia bellirica*, *Terminalia chebula*, *Phyllanthus emblica*, *Embelia ribes*, *Piper longum* along with few other ingredients used as Memory enhancer. Intellect promoting and an Immuno potentiators/Anti ageing/Anti oxidant through oral administration.

D 8:(pg. no. 28-30) refers to a formulation containing gulf leaf-flower (*Phyllanthus fraternus* Webster Syn.: *P. niruri* auct. pl., non Linn.) along with one other ingredient used as General tonic through oral administration.

D 9:(pg. no. 31-36) refers to a formulation containing gulf leaf-flower (*Phyllanthus fraternus* Webster Syn.: *P. niruri* auct. pl., non Linn.), *Terminalia chebula*, *Phyllanthus emblica*, *Piper longum* along with few other ingredients used as an Intellect promoting, Memory enhancer and an Immuno potentiators/Anti ageing/Anti oxidant through oral administration.

D 10:(pg. no. 37-39) refers to a formulation containing Purple Tephrosia (*Tephrosia purpurea* (Linn.) Pers.) as a single ingredient used as an Immuno potentiators/Anti ageing/Anti oxidant. Mode of administration is as directed by physician.

D 11:(pg. no. 40-42) refers to a formulation containing Sacred basil, Holy basil (*Ocimum sanctum* Linn.) as a single ingredient used as General tonic. Mode of administration is as directed by physician.

D 12:(pg. no. 43-45) refers to a formulation containing Sacred basil, Holy basil (*Ocimum sanctum* Linn.) along with few other ingredients used for the treatment of Immuno suppressive / Emaciating disease through oral administration.

D 13:(pg. no. 46-49) refers to a formulation containing (*Embelia vibes* Burm. f. / *Embelia tsjeriam-cottam* A De Syn. *E. robusta* C.B Clarke), Long Pepper (*Piper longum* Linn.), *Terminalia bellirica*, *Terminalia chebula*, *Phyllanthus emblica* Linn. Syn.: *Emblica officinalis*, *Acorus calamus*, *Zingiber officinale* Roscoe along with few other ingredients used as Memory enhancer and an Immuno potentiators/Anti ageing/Anti oxidant through oral administration.

It would have been obvious to a person skilled in the art to have combined the teachings of the cited documents and have arrived at the instantly claimed composition.

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).

- 4
- 5 Claim 1 is not fully supported by the description, with working example for polyherbal formulation and its preparation, as required u/s 10(5) of the Patents Act, 1970.

6 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.

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 FIR failing which your application will be treated as "Deemed to have been abandoned" under section 21(1) of the Act. The last Date is 27/05/2015.

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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