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1313/DEL/2006



PATENTS / DESIGNS / TRADE MARKS
GEOGRAPHICAL INDICATIONS

No. 1313/DEL/2006

Dated the : 07/03/2011

To

L.S. DAVAR & CO
PATENT AND TRADE MARKS ATTORNEYS
5/1 (1ST FLOOR) KALKAJI EXTENSION
NEW DELHI-110019 INDIA.

SUB : First Examination Report

REF :- Patent Application No. 1313/DEL/2006

NAME OF APPLICANT :- CENTRAL COUNCIL FOR RESEARCH OF AYURVEDA AND
SIDHHA

a) This report is the First/ Consequent Examination Report prepared on the basis of the examination conducted on the instant application under Section 12 and 13 of the Patents Act 1970.

b) The report contains the official requirements broadly on the following grounds:

- i. Whether the application and the specification and other documents relating thereto are in accordance with the requirements of this Act and of any rules made thereunder.
- ii. Whether there is any lawful ground of objection to the grant of the patent under this Act in pursuance of the application.
- iii. The result of investigations made under section 13; and
- iv. Other prescribed matters.

c) The application under reference will be treated as deemed to have been abandoned under Section 21(1) of the Act unless all the requirements imposed by the Act and rules made there under are complied with within prescribed period of 12 months from the issuance of this report.

2. Detailed Examination Report:

(Dr. Rajesh Dixit)
Examiner of Patents &
Designs
For Controller of Patents
& Designs

Encl:-

NOTE : All Communications to be sent to the Controller of Patents at the above address.

(i) Botanical names of the plants used should be given in claim 1

(ii) The independent principal claim 1 should start with "A process" and subsequent dependent claims with "The process"

(iii) The independent claim 5 should start with "A herbal composition" and subsequent dependent claims with "The herbal composition"

(iv) Give all the process parameters in claim 1 and characterize the novelty

Prior patent in complete specification pages is insufficient

Distinguishing feature with reference to prior specification necessary.

Claims do not sufficiently define the invention

Title should be precise.

Claims fall within the scope of such clause of section 3(p) of the Patent Act, 1970, as the subject matter of the said claims are traditionally known since years and are not allowable.

1.HG-2196.asp&b=adhatoda+and+solanum+and+glycyrrhiza+and+hedychium") ayurveda BC Member Docs Formulation LangDefault tkdl ?) AND Keywords hedychium ShouldContain glycyrrhiza solanum adhatoda HG-2196.asp,?ADVANCE-SEARCH?,?ShouldContain Ayurveda>HG/2196 K??m????sava?

Useful in the Treatment of following Diseases : Cough / Bronchitis(k?sa),Dyspnoea(?v?sa),Diseases of heart(h?dayaroga),Anaemia / Hyperbilirubinaemia (p??u),Lacerated wound(k?ata),Immuno suppressive / Emaciating disease(k?aya),Abdominal lump(gulma),Sprue / Malabsorption Syndrome (graha??),Piles / Ano rectal mass / Haemorrhoids(ar?a),Dysuria(m?trak?echra),Stone in Urinary Bladder / Urolithiasis / Urinary Calculus(Mutrasmari),Urinary disorders / Polyuria(Prameha / meha),Oedema / Inflammation(?otha),Acute diarrhoea (atis?ra),

IPC Codes :

Knowledge Known Since : 200 years

Bibliography : Bh?rata Bhai?ajya Ratn?kara ,

Keyword(s)/Ingredient(s) : da?am?la,Aegle marmelos Correa ex Roxb.(bilva),Oroxylum indicum (Linn.) Venten(?yon?ka),Gmelina arborea Roxb.(gambh?r?),Stereospermum chelonoides (Linn. F.) DC. Syn.: S. suaveolens (Roxb.) DC.(p??al?),Clerodendrum multiflorum (Burm.f.) Kuntze Syn.: C. phlomoides Linn. / Premna integrifolia Linn. / Premna mucronata Roxb.(agnimantha laghu, tark?r?),Desmodium gangeticum (Linn.) DC.(??lapar??),Uraria picta (Jacq.) Desv. ex DC.(p??nipar??),Solanum surattense Burm. F. Syn.: S. xanthocarpum Schrad. & Wendl.(ka??ak?r? (?veta praj?ti lak?ma?? sth?n?panna au?adhi)),Solanum indicum Linn.(b?hat? (kerala)),Tribulus terrestris Linn.(gok?ura),Benincasa hispida (Thunb.) Cogn.(k??m??a) Fruit(phala),Jaggery & its preparations(gu?a) ,Ziziphus jujuba Mill.(kola, sauv?ra) Stem bark (k?n?atvak),Scirpus kysoor(ka?eru) Fruit(phala),Scirpus tuberosus Desf.(mahat kes?ra (ba?g?la)) Fruit(phala),Woodfordia fruticosa (Linn.) Kurz.(dh?tak?) Flower(pu?pa),Juniperus communis Linn.(hapu??, h?ubera) Fruit(phala),Coleus vettiveroides K.C. Jacob / Valeriana jatamansii Jones Syn.: V. wallichii DC.(hr?bera, b?laka) Root(m?la),Pistacia integerrima J.L.Stewart ex Brandis(karka?a??g?) Gall(k??ag?ha),Clerodendrum divaricatum Jack Syn.: C. serratum Spreng. / Clerodendrum indicum (Linn.) O.Kuntze(bh?ra?g?) Root bark(m?latvak),Inula helenium Linn. / Inula racemosa Hook.(pu?kara) Root(m?la),Curculigo orchiooides Gaertn.(t?lam?i?, mu?a?) Root(m?la),Mucuna pruriens (Linn.) DC. Syn.: M. prurita Hook.(?tmagupt?) Seed(b?ja/ phal?sthi),Piper cubeba Linn. f.(ka?kola) Fruit(phala),Bambusa arundinacea (Retz.) Roxb. Syn.: B. bambos Voss(va??a, va??alocana, ba?salocana) Bamboo manna / Curcuma angustifolia Roxb.(va??alocana),Glycyrrhiza glabra Linn.(ya??imadhu, kl?taka (sth?n?panna au?adhi)) Root(m?la),Bombax ceiba Linn. Syn.: Salmalia malabarica (DC.) Schott & Endl.(?Imali) Exudate(niry?sa),Cyperus rotundus Linn. / Cyperus scariosus R. Br. / Cyperus arundinaceum Baker(mustaka, ga??ad?rv?) Stem tuber(k??akanda),Piper longum Linn.(pipal?) Root(m?la),Mesua ferrea Linn.(n?gake?ara) Androecium(Pumkesara),Embelia ribes Burm. f. / Embelia tsjeriam-cottam A. De Syn. E. robusta C.B Clarke(vi?a?ga) Fruit(phala),Plumbago zeylanica Linn.(citraka) Root(m?la),Crocus sativus Linn.(ku?kuma) Stigma(vartik?gra),Myristica fragrans Houtt.(j?t?phala, j?tipatr?) Aril(ko?apatra),Syzygium aromaticum (Linn.) Merr. & L.M. Perry(lava?ga) Flower Bud(mukula),Anacyclus pyrethrum DC.(?k?rakarabha) Root(m?la),Myristica fragrans Houtt.(j?t?phala, j?tipatr?) Seed(b?ja/ phal?sthi),Pterocarpus santalinus Linn. f.(raktacandana) Heart wood(k??hamajj?),Myrica esculenta Buch. Ham. ex D. Don Syn.: M. nagi Thunb.(ka?phla) Stem bark(k?n?atvak),Vitex agnus-castus Linn. / Vitex negundo Linn.(re?uk?) Seed(b?ja/ phal?sthi),Hedychium spicatum Buch. Ham.(?a??) Rhizome(prakanda),Picrorhiza kurroa(ka?uk?, ku?ak?) Rhizome(prakanda),Justicia adhatoda Linn. Syn.: Adhatoda vasica Nees(v?s?) Leaf (patra),Alpinia galanga(Linn.)Willd.(r?sn? (dak?i?a), kulanjana, mah?bhar?vac?) Rhizome(prakanda),Trachyspermum roxburghianum(DC.) Craib(ajamod?) Fruit(phala),Withania somnifera (Linn.) Dun.(a?vagandh?) Root(m?la),Piper retrofractum Vahl Syn.: P. chaba Hunter(cavya) Stem(k??a),Quercus infectoria Olivier (m?yakku, m?y?phala (r?ja.nigha.)) Gall(k??ag?ha),Asparagus racemosus Willd.(?at?var?, med?-mah?med? (sth?n?panna au?adhi)) Root(m?la),Iron(lauha) Calcined / Incinerated drug(Bhasma),Amorphophallus campanulatus (Roxb.) Blume ex Deene.(s?ra?a) Tuber/bulb/corm(kanda),Zanthoxylum armatum DC. Syn.: Z. alatum Roxb.(tejovat? (tvak) tumburu (phala)) Fruit(phala),Abies spectabilis (D. Don) Spach Syn.: A. webbiana (D.Don) Lindl. / Abies pindrow Royle / Taxus baccata Linn.(t?l??apatra) Leaf(patra),Areca catechu Linn.(p?ga) Fruit(phala),

2. AK/1311 V?S?candan?dyatailam

Useful in the Treatment of following Diseases : All types(sarvaprak?rake),Cough / Bronchitis(k?sa)

IPC Codes : A61K 125/00, A61K 131/00, A61K 133/00, A61K 135/00,

Knowledge Known Since : 200 years

Bibliography : Bh?rata Bhai?ajya Ratn?kara ,?yurveda S?rasa?graha? ,Bhai?ajya Ratn?val? ,

Keyword(s)/Ingredient(s) : da?am?la,Aegle marmelos Correa ex Roxb.(bilva),Oroxylum indicum (Linn.) Venten(?yon?ka),Gmelina arborea Roxb.(gambh?r?),Stereospermum chelonoides (Linn. F.) DC. Syn.: S. suaveolens (Roxb.) DC.(p??al?),Clerodendrum multiflorum (Burm.f.) Kuntze Syn.: C. phlomoides Linn. / Premna integrifolia Linn. / Premna mucronata Roxb.(agnimantha laghu, tark?r?),Desmodium gangeticum (Linn.) DC.(??lapar??),Uraria picta (Jacq.) Desv. ex DC.(p??nipar??),Solanum surattense Burm. F. Syn.: S. xanthocarpum Schrad. & Wendl.(ka??ak?r? (?veta praj?ti lak?ma?? sth?n?panna au?adhi)),Solanum indicum Linn.(b?hat? (kerala)),Tribulus terrestris Linn.(gok?ura),Santalum album Linn.(candana (?veta)) Heart wood(k???hamajj?),Vitex agnus-castus Linn. / Vitex negundo Linn.(re?uk?) Seed(b?ja/phal?shti),Castorium / Beaver(gandha m?rjara/jundabedastara) ,Withania somnifera (Linn.) Dun.(a?vagandh?) Root(m?la),Paederia foetida Linn. (pras?ra??, gandha pras?ra??) Leaf(patra),Piper longum Linn.(pipal?) Fruit(phala),Mesua ferrea Linn.(n?gake?ara) Androecium (Pumkesara),Polygonatum cirrhifolium Royle / Asparagus racemosus Willd.(mah?med?, med?) Rhizome(prakanda),Polygonatum cirrhifolium Royle / Asparagus racemosus Willd.(mah?med?, med?) Rhizome(prakanda),Pluchea lanceolata Oliv. & Hiern / Alpinia galanga(Linn.)Willd.(r?sn?) Leaf(patra),Glycyrrhiza glabra Linn.(ya??imadhu, kl?taka (sth?n?panna au?adhi)) Rhizome(prakanda),Parmelia perlata (Huds.) Ach. (?aileya) St.Bark,Leaf,Flower,Fruit&Root(Pancanga),Hedychium spicatum Buch. - Ham.(?a??) Rhizome(prakanda),Saussurea lappa Clarke(ku??ha) Root(m?la),Cedrus deodara (D.Don) G.Don(devad?ru) Heart wood(k???hamajj?),Callicarpa macrophylla Vahl(priya?gu) Fruit (phala),Terminalia bellirica (Gaertn.) Roxb.(bibh?taka) Fruit(phala),Sesamum indicum Linn.(tila) Seed(b?ja/ phal?shti),Justicia adhatoda Linn. Syn.: Adhatoda vasica Nees(v?s?) St.Bark,Leaf,Flower,Fruit&Root(Pancanga),Secretion of Lacifer lacca(l?k??) ,Whey / Water from curd (mastu) ,Pterocarpus santalinus Linn. f.(raktacandana) Heart wood(k???hamajj?),Tinospora cordifolia Miers(gu??c?) Stem(k???a),Clerodendrum divaricatum Jack Syn.: C. serratum Spreng. / Clerodendrum indicum (Linn.) O.Kuntze(bh?ra?g?) Root(m?la),Solanum surattense Burm. F. Syn.: S. xanthocarpum Schrad. & Wendl.(ka??ak?r? (?veta praj?ti lak?ma?? sth?n?panna au?adhi)) St.Bark,Leaf,Flower,Fruit&Root(Pancanga),

Subject matter of the claims does not constitute an invention under section 2[1(j)] of the Patents Act, 1970 because it lacks novelty and inventive step in view of prior art citation nos

7 1. IN188649, CN1188650, CN1054191

2. Journal of Ethnopharmacology (Nov.1999), Vol. 67, Issue 3, Pgs. 361-365.

8 Pages of the complete specification should be renumbered. Extraneous matter from the specification should be deleted. Blank spaces of specification should be scored out.

9 Due Certified or notarized copy of general Power of authority should be filed.

10 Duplicate Application form-1 filed on 31-05-2006 is not signed by Mr. G.S. Davar.

11 Proof of right from inventors should be filed in prescribed manner under Rule 10 .

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