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PATENTS / DESIGNS / TRADE MARKS
GEOGRAPHICAL INDICATIONS

1642/DEL/2006

No. 1642/DEL/2006

Dated the : 04/03/2011

To

MONA SAMI
I.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.1642/DEL/2006**

NAME OF APPLICANT :- **CENTRAL COUNCIL FOR RESEARCH IN UNANI MEDICINE**

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:

(S.K.Roy)

Controller of Patents &
Designs

Encl:-

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

- 1 Distinguishing features as compared with prior art given is not clear.
Claims are not clear in respect of the expression as indicated herein.
- (i) IUPAC chemical name of the compound should be given in claim 1
- 2 (ii) The independent claim 2 should start with "A process" and subsequent dependent claims with "The process"
- (iii) Abbreviations are not allowed.
- (iv) Give all the process parameters in claim 2 and characterize the novelty
- (i) Claim 1 does not contain synergistic ratios of the constituents and therefore this claim falls within the scope of such clause of section 3(e) of the patent act, 1970 and is not allowable.

3 (ii) Claim 1 falls within the scope of such clause of section 3(i) of the Patent Act, 1970, as the subject matter of the said claim relate to dosage forms of active ingredients for the treatment of human beings/animals and is not allowable.

4 Prior patent in complete specification pages is insufficient

5 Distinguishing feature with reference to prior specification necessary.

6 Claims 1-7 do not sufficiently define the invention. Most of the process steps involved are known in the prior art and the description very well incorporates relevant patents granted. Thus it is not clear as to what is the subject matter claimed that qualifies for grant of the patent

7 Claims 1 to 7 fall within the scope of section 3(d) of the Patent (Amendment) Act, 2005 as it appears that the claimed composition are new forms of known thing, with no enhanced biological potency/efficacy with respect to the parent /base compound. The specification does not disclose any data that shows significant efficacy over the parent compound.

Claims 1-7 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 in view of following documents.

1. HG/763 Sarpigu?a? (02) (sarpigu?ik?)

Useful in the Treatment of following Diseases : Emaciation / Cachexia(?o?a), Cough / Bronchitis(k?sa), Pulmonary cavitation(ura? k? ata), Haemoptysis(rakta ni??h?vana), Burning sensation(d?ha), Ozaena, sinusitis(HR)(p?nasa), Pain(r?j?/vedan?), Pleurodynia and intercostal neuralgia(p?r??va??la), Headache (?ira??la), Pain(r?j?/vedan?).

IPC Codes : A61K 36/899, A61K 125/00, A61K 131/00, A61K 135/00,

Knowledge Known Since : 1000 years

Bibliography : Bh?rata Bhai?ajya Ratn?kara ,Caraka Sa?hit? ,Gadanigraha?,Va?gasena ,V?ndam?dhava,

Keyword(s)/Ingredient(s) : pa?cak??r? v?k?a, Ficus benghalensis Linn.(nyagrodha, va?a), Ficus racemosa Linn.(udumbara), Ficus religiosa Linn.(a?vattha), Thespesia populnea (Linn.) Soland. ex Correa(p?ri?a, gardabh??a, kap?tana), Ficus virens Ait. Syn.: F. lacor Buch-Ham.(plak?a), Sida cordifolia Linn.(bal?) Root(m?la), Pueraria tuberosa DC.(vid?r?, ??abhaka j?vaka (sth?n?panna au?adhi)) Tuber/bulb/corm (kanda), Boerhaavia diffusa Linn. / Boerhaavia chinensis (Linn.) Asch. & Schw. Syn.: B. repanda Willd.(punarnav?) Root(m?la), Albizia lebbek (Linn.) Benth.(?ir??a) Vegetative buds / Young bud(?u?ga), Malaxis muscifera (Lindl.) O. Kuntze Syn.: Microstylis musifera Ridley(j?vaka) Rhizome(prakanda), Malaxis acuminata D. Don Syn.: Microstylis wallichii Lindl / Pueraria tuberosa DC.(??abhaka) Tuber/bulb/corm (kanda), Polygonatum verticillatum Linn. (med? bheda, mah?med? bheda) Rhizome(prakanda), Polygonatum cirrhifolium Royle / Asparagus racemosus Willd.(mah?med?, med?) Rhizome(prakanda), Lilium polyphyllum D. Don / Withania somnifera (Linn.) Dun.(kakol?, k??rak?kol?) Tuber/bulb/corm(kanda), Fritillaria roylei Hook. / Withania somnifera (Linn.) Dun.(k??rak?kol?? kukku??) Tuber/bulb/corm (kanda), Teramnus labialis (Linn. f.) Spreng.(m??apar??) Root(m?la), Vigna trilobata (Linn.) Verde. Syn.: Phaseolus trilobus Ait. (mudagapar??) St.Bark, Leaf, Flower, Fruit & Root (Pancanga), Leptadenia reticulata Wight & Arn.(j?vant?) St.Bark, Leaf, Flower, Fruit & Root (Pancanga), Glycyrrhiza glabra Linn.(ya??imadhu, ki?taka (sth?n?panna au?adhi)) Rhizome(prakanda), Milk(dugdha/k??ra/payas) Cow(gau), Milk(dugdha/k??ra/payas) She goat(aj?), Pueraria tuberosa DC.(vid?r?, ??abhaka j?vaka (sth?n?panna au?adhi)) Tuber/bulb/corm(kanda), Clarified butter(gh?ta/sarpi) Cow(gau), Sugar candy(mi?r??sitopal?) , Triticum aestivum Linn.(godh?ma) Seed(b?ja/ phal?sthi), Piper longum Linn.(pippal?) Fruit (phala), Bamboo manna / Curcuma angustifolia Roxb.(wa??alocana) Powder(c?r?a), Trapa natans Linn. var. bispinosa (Roxb.) Makino Syn.: T. bispinosa Roxb.(??g??aka) Fruit(phala), Honey(imadhu/k?audra) ,

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

10 Abstract should be filed with a title and concise summary of the invention within 150 words in accordance with rule 13(7) of Patent Rules, 2003.