



GOVERNMENT OF INDIA
PATENT OFFICE
INTELLECTUAL PROPERTY BUILDING
Plot No. 32, Sector-14, Dwarka, New Delhi - 110 075

Tel No. (091)(011) 28034304, 28034305, 28034306 Fax No. 011 28034301, 28034302.

E-mail : delhi-patent@nic.in
Web Site : www.ipindia.nic.in



PATENTS / DESIGNS / TRADE MARKS
GEOGRAPHICAL INDICATIONS

172/DEL/2007

No. 172/DEL/2007

Dated the : 07/04/2011

To

C/o M/s. L.S.Davar & Co.,
5-1 (1st Floor), Kalkaji Extension, N.Delhi-110019

SUB : First Examination Report

REF :- Patent Application No. 172/DEL/2007

NAME OF APPLICANT :- CENTRAL COUNCIL

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.]

Claim 1 is not clear and definitive with respect to expression, Babchi and Bhangra. These refer to name of the plants. Claims are not clear regarding which plant part or its extract is being used in the claimed composition. The composition claims are not considered definitive in absence of ratio/proportion of the components.

1

Claim 5 is not sufficiently definitive. This claim attempts to define the subject matter by referring to the description. A claim should be definitive and understandable without reference to the description. Such a claim is unclear, vague and unsearchable and cannot be allowed as per Section 10(4)(c) of the Act. The technical features required to achieve the effect should be the essential part of the claims.

2

A synergistic composition should show unexpectedly new property or better efficacy than a mere aggregation of the properties of its individual components. The previous composition known in the art that was used for the treatment of vitiligo consisted of Babchi seed (*Psoralea corylifolia* Linn.) 20 g Bhangra, arial part (*Eclipta alba* Husk) 10 g, Geru (Red Ochre) 20 g and Gandhak (sublimated sulphur) 10 g (pl refer page 2 of the specification). There is no such disclosure or data in the specification that could justify a synergistic effect between the known components and Glycerol, Lime water, and Carboxy Methyl cellulose (CMC) to validate a composition claim. Hence claims are not allowable under section 3(e).

3

Title is inconsistent with claims.

4

The present claims are considered as traditional knowledge. It is considered to be aggregation of known properties of traditionally known components. Claims are not allowable u/s 3(p).

Subject matter does not constitute an invention u/s 2(1)(j). Claims lack inventive step in view of the following formulations disclosed in TKDL database.

Formulations containing Red Ochre and *psoralea corylifolia* for treating vitiligo are as follows

5

S.No. Formulation

1. AK1/571K 2. AH5/187 3. AH5/1879 4. BA3/599C 5. BA3/599D 6. MH1/3803 7. NA2/289E 8. NA2/289F 9. NA4/3200

Formulations containing *Psoralea corylifolia*, *Eclipta prostrata* and sulphur for treatment of vitiligo are as follows

S.No. Formulation

1. AK/2931 2. AK9/861 3. BP/6884. HG/261 5. HG/411 6. HG/538 7. HG/539 8. SJ/1107 9. SJ/176B 10. SJ/561 11. SJ/717 12. VS/879 13. AM05/1796

6 The present application claims a composition effective in treatment of vitiligo , where as there is no supporting clinical data, mentioned in the specification. The invention can?t be carried out without undue experimentation. Hence the main claim lacks support and the application lacks disclosure.

7 Power of authority duly executed by the applicant and duly stamped should be filed.

8 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 countries outside India 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.

9 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.

10 Prior approval of National Biodiversity Authority for applying for Intellectual Property Right on Form-III is to be submitted.

11 Further description of the source/geographical origin of the plant has not been provided in the specification.