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PATENTS / DESIGNS / TRADE MARKS  
GEOGRAPHICAL INDICATIONS

1902/DEL/2006

No. 1902/DEL/2006

Dated the : 29/07/2010

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. 1902/DEL/2006

NAME OF APPLICANT :- G.B. PANT UNIVERSITY OF AGRICULTURE AND  
TECHNOLOGY

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:

(N.R.Meena)

Controller of Patents &  
Designs

Encl:-

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

Serial  
Number

Objections

1 Claims do not constitute an invention under section 2[1(j)] of Patents Act 1970 (as amended in 2005) as the claims are lacking in inventive step in view of cited Patent document no. (1)us6410059 (2)us7235262 where in the prior cited art D1 teach about pharmaceutical composition comprising an antibiotic and cow urine distillate in an amount effective to enhance antimicrobial effect of the antibiotic and D2 teach novel pharmaceutical composition comprising an effective amount of bio-active fraction from cow urine distillate as a bioavailability facilitator and pharmaceutically acceptable additives selected from anticancer compounds, antibiotics, drugs, therapeutic and nutraceutic agents, ions and similar molecules which are targeted to the living systems. In the light of cited art it is obvious for a person skilled in the art to use cow urine as a enhancer along with herbal additive.

2 Claim 1 -8 fall within the scope of such clause(d)of section 3 of Patents Act 1970 as the "cow urine"function as bioenhancer is already known in the prior art . Mere new use of cow urine as growth promoter does not imply an invention under section 3 (d) of Patent Act 1970.

3 The process claim 3-4 should be defined properly .They do not define any invention u/s 2 (1)(j) of Patents Act 1970.

Claim 5 defines herbal additives which are already known in prior art as feed for animals and is not definitive in respect of "...selected from plants *cryptolepis, phaseolus, withania somniferum*".

4 The plants as such are not allowable. It should be plant parts.

The spelling of *phaseolus trilobus* should be corrected.

5 Claim 2 relates to an invention distinct from the rest.

6 The claims fall within the scope of section 3 (p)of Patents Act 1970 as this comes under traditional knowledge as cow urine is used in India traditionally from ages as a bioenhancer as cited in Urustambhahara Arka-2 , Kaphajanya Sotha Nasaka Arka, Arunsika Nasaka Yoga , Sarvavidha Vrana Puraka Yoga .

7 Claims are not well supported by the description.

8 The abstract should be filed according to Rule 13(7) of Patents Rule, 2003 (as amended in 2006).

9 Source/Geographical origin of the Biological materials in the specification should be duly filed

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