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Letter No.:-BIO-TECH/2015/

Date : 26/11/2014

To,
GLOBAL BUSINESS SOLUTIONS
CREATIVE ENCLAVE, 3RD FLOOR,
148-150, LUZ CHURCH ROAD,
MYLAPORE, CHENNAI-600 004

SUB : Examination Report

APPLICATION NUMBER : **2242/CHE/2008**

DATE OF FILING : 15/09/2008

DATE OF REQUEST FOR EXAMINATION : 31/10/2011

DATE OF PUBLICATION : 07/10/2011

With reference to the RQ No. 8677/RQ-CHE/2011 Dated 31/10/2011 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 Claims 1- 8 are not patentable u/s 3(e) of the Patents Act, 1970 as they relate to a mere admixture lacking support in the description for synergistic interaction between the constituents.
- 2 Claim 17 is not definitive in the absence of an explicit statement of invention.
- 3 Claims 6,8, 14 do not clearly define the invention. The claimed product or process should be defined in terms of their technical features.

4 Claims 1-8 are not patentable u/S 3(p) of the Act as they relate to Traditional Knowledge. The claimed herbs are traditionally known for treatment of hematuria.Refer the list of documents with date of publication (PRIOR ART) in enclosed TKDL documents D1:RG/3575, D2:AA10/05A, D3:RG12/1023, D4:BA3/470A, D5: JA6/589Z21, D6: MH5/1979.

Notwithstanding above mentioned objections, Claims 1-8 lack inventive step in view of cited prior art documents D1-D6. The cited documents disclose the claimed herbal ingredients for treatment of hematuria and related disorders.

- 5 D1 discloses the use of Justicia adhathoda for treatment of urinary disorders. D2 discloses the use of Aegle marmelos for treatment of hematuria. D3 discloses the use of Boerhavia diffusa against Urinary disease. D4 relates to the use of Tamarindus indicus as a hemostyptic. D5 discloses the use of Ficus racemosa for treatment of diseases of the urinary system. D6 relates to the use of Lawsonia inermis for treatment of Hematuria.

It would have been obvious to a person skilled in the art to have arrived at the instantly claimed composition from the disclosure of prior art documents without the exercise of inventive skill.

6 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).

7 Claims 1-17 are not fully supported by the description, with working example for composition and its preparation, as required u/s 10 (4) and 10 (5) of the Patents Act, 1970.

Title of the complete specification should be amended in conformity with the claim amendments so as to make it consistent with the amended claims, if any.

8 While filing amended claims (if any) the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, not to add subject matter, which extends beyond the content of the application as originally filed. If any corrections/amendments is made in any page of the specification that page should be freshly typed and filed in duplicate along with a marked copy clearly highlighting the corrections/amendments made.

9 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.

10 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.

11 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 FER failing which your application will be treated as "Deemed to have been abandoned" under section 21(1) of the Act. The last Date is 26/11/2015.

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.