



7795/DELNP/2008



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Letter No.:BIO-TECH/2014/

To,  
Subramaniam Natraj & Associates  
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SUB : Examination Report

APPLICATION NUMBER : 7795/DELNP/2008  
DATE OF FILING : 16/09/2008  
DATE OF REQUEST FOR EXAMINATION : 03/12/2008  
DATE OF PUBLICATION : 20/03/2009

With reference to the RQ No. 11816/RQ-DEL/2008 Dated 03/12/2008 in the above mentioned application for Grant of Patent .

a) Examination has been conducted under Section 12 and 13 of the Patents Act 1970 . The following objections are hereby communicated

b) **Objections :**

**Subject matter of the claimed invention lacks inventive step u/s 2(1(j)) of the Patents Act, 1970 in view of below cited documents:**

D1:WO9325209 : The invention relates to new cosmetic and/or medicinal compositions which beneficially affect virus-induced infections and inflammations of the skin and mucosa and promote the regeneration of the dermatoses caused, i.e. the compositions are able to restore the initial conditions of the skin.

D2:US6060061 :The subject of the present invention is an extract of at least one plant of the Labiatae family, the said plant being cultured in vitro. Its subject is also a cosmetic or pharmaceutical composition comprising, as active ingredient, at least an effective quantity of the said extract. The invention finally relates to the use of such an extract in a cosmetic composition or for the preparation of a pharmaceutical composition for controlling disorders involving an inflammatory process or an allergic process, and a process of cosmetic treatment involving such an extract.

D3:JP2000119156 :To obtain a skin lotion, capable of improving the effect originally possessed by a skin-whitening agent, and having a stable and excellent effect of whitening the skin. SOLUTION: This skin lotion contains (A) a skin-whitening agent, (B) one or more kinds of specific plant extracts of Tuckahoe, carrot, Althaea officinalis, arnica, aloe, nettle, Foeniculum vulgare, witch hazel, Scutellaria baicalensis, Phellodendron amurense, Hypericum erectum Thunb, chamomile, Artemisia capillaris, kiwi, cucumber, woodbine, Sophora angustifolia, grape, Roripa nasturtium-aquaticum, comfrey, Crataegus cuneata, Rehmannia glutinosa, Perilla frutescens crispa, Paeonia lactiflora, silver birch, Equisetum arvense, Tilia migueliana, salvia, mulberry and the like, (C) one or more kinds of medicaments selected from an antiinflammatory agent and an antioxidant, and further (D): an ultraviolet-protecting agent.

D4:US2005066463: A disposable device that includes a fabric substrate on which a lip care formulation is included is provided.

D5:US4628063 :The present invention relates to a method and pharmaceutical composition for treating herpes group virus infections in mammals, and in particular, in humans, by administering an effective antiviral amount of lidocaine or a pharmaceutically acceptable salt thereof.

D6:MIMICA-DUKIC, N. ET AL.: "Antimicrobial and antioxidant activities of Melissa officinalis L. (lamiaceae) essential oil" J. AGRIC. FOOD CHEM., vol. 52, 2004, pages 2484-2489, XP002436944

D7:DAVIS, J.M. ET AL.: "Effects of moderate exercise and oat beta-glucan on innate immune function and susceptibility to respiratory infection" AM. J. PHYSIOL. INTEGR. COMP. PHYSIOL., vol. 286, 2004, pages 366-372, XP002436945

D8:DIMITROVA ET AL.: "ANTIHERPES EFFECT OF MELISSA OFFICINALIS L. EXTRACTS" ACTA MICROBIOLOGICA BULGARICA, SOFIA, BG, 1993, pages 65-72, XP009084978 ISSN: 0204-8809

D9:CURRELL, F. ET AL.: "Glycyrrhizic acid alters Kaposi sarcoma-associated herpes virus latency, triggering p53-mediated apoptosis in transformed B lymphocytes" J. CLIN. INVEST., vol. 115, no. 3, March 2005 (2005-03), pages 642-652, XP002436947



D10:KOYTCHEV ET AL: "BALM MINT EXTRACT (LO-701) FOR TOPICAL TREATMENT OF RECURRING HERPES LABIALIS" PHYTOMEDICINE, GUSTAV FISCHER VERLAG, STUTTGART, DE, vol. 6, 1999, pages 225-230, XP009084962 ISSN: 0944-7113

D11:MA3/435 Arq-e- Chobchini

Useful in the Treatment of following Diseases : Pustules(Busoor),Scabies, Itch(Jarab-wa-Hikka),

IPC Codes : A61K 125/00, A61K 129/00, A61K 131/00, A61K 133/00, A61K 31/04, A61K 35/12, A61K 35/64, A61K 36/09, A61K 36/185, A61K 36/28, A61K 36/30, A61K 36/53, A61K 36/537, A61K 36/54, A61K 36/61, A61K 36/73, A61K 36/738, A61K 36/83, A61K 36/84, A61K 36/88, A61K 36/90, A61K 36/906, A61K 36/9068, A61P 15/08, A61P 15/10, A61P 17/00, A61P 17/02, A61P 17/04, A61P 25/00, A61P 25/28, A61P 29/00, A61P 33/14, A61P 5/26, C13K 1/10

Knowledge Known Since : 50 years

Bibliography : Bayaaz e Kabir,

Keyword(s)/Ingredient(s) : *Melissa officinalis* Linn.(Barangbo) , along with other ingredients *Cinnamomum zeylanicum* Blume (Daarchini) Stem bark(Post-e-Saaq / Chhaal),*Rosa damascena* Mill. (Gul-e-Surkh / Ward / Gulab) Flower(Gul),*Ocimum sanctum* Linn.(Raihan/Shahasfaram/Tulsi/Zcemraan) Seed(Tukhm/Bazr/Buzoor),Granular sugar(Qand Safaid / Nabaat Safaid) ,*Nardostachys jatamansi* (D.Don) DC.(Sunbul-al-Teeb/Baalchhar) Root(Beekh/Asl/Usool),*Cinnamomum tamala* Nees (Sazaj Hindi/ Patraj) Fruit(Samar/Fawakeh),*Syzygium aromaticum* (Linn.) Merr. & L.M. Perry(Qaranful/Laung) Seed(Tukhm/Bazr/Buzoor),*Elettaria cardamomum* (Linn.) Maton(Heel Khurd/Qaaqulah Sagheer) Seed(Tukhm/Bazr/Buzoor),*Zingiber zerumbet* Rosc ex Smith(Narkachoor/Zaranbaad) .

The subject matter of Claim -1 of the present application is anticipated by the disclosure in D1 ?D3 which defines a composition for topical use comprising essential oil of *Melissa officinalis* and glycyrrhizic acid salts.Claims of the present application lacks inventive step in view of above cited documents.

2 Claims fall u/s 3(d) of the Patents (Amended) Act, 2005 as the said claims defines new use and/or new form of the known compounds (as cited by the prior art documents as described in para 1 of the report). In the absence of experimental data, it is not clear if the said composition act to provide an enhancement of the known efficacy i.e., demonstrate a greater technical effect and/or differ significantly in properties w.r.t the known compounds

3 Claim- 1-10

falls u/s 3(e) of the Patents act,1970 as the composition is a mere admixture of known ingredients resulting only in the aggregation of the properties of the components thereof.It

is not clear if the combined agents act together to provide a technical effect that is greater than just the sum of the two or more agents alone, or whether the combination is in fact a mere juxtaposition with no interaction of the agents. Percentage/ratio of ingredients should be provided with synergistic effect.

4 Claims 1-10 falls under section 3(p) of the Patents Act, 1970 as medicinal property of all the plants and the minerals given the composition claim are known in traditional knowledge.The invention as claimed is traditional knowledge and aggregation or duplication of known properties of traditionally known components.

5 Claim -2 is not within the scope of claim-1 as the claims further defines the ingredients which are not claimed in the composition claim-1.The claim-1 should be made definitive with all ingredients along with their percentage/ratio.

Claim 3-4,9-10 does not define any technical features of the composition claim.Use and form of the composition should be define in the main claim to make it more definitive.

6 Abstract should be filed as per rule 13(7)(a) of the Patent Rules, 2003.

7 Proof of right should be filed within 6 months of filing of application form under rule 10 of the Patents Rules 2003 as amended by Patent(Act) rules 2006 .

8 Details of Biological materials like Deposit in authorised depository Institution, Date of Deposit of Biological materials and Source/Geographical origin in the specification should be provided in accordance to section 10(4)(ii)(A)-(D).

Declaration by the applicant should be made in Para 9(iii) of Form 1, regarding necessary permission from the competent authority for using biological material from India according to the second schedule of the Patents Rule, 2003.

9 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 !8 ) for such permission is available in website of national Biodiversity Authority.

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.



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.

- You are requested to comply with the objections by filing your reply by way of explanation and/or amendments within 12 months
- c) 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 18/02/2014.
  - 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. N. Mukherjee)

Asst. Controller of Patents & Designs

NOTE : All Communications to be sent to the Controller of Patents at INTELLECTUAL PROPERTY BUILDING Plot No. 32, Sector-14,Dwarka New Delhi - 110 078.

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