



**INTELLECTUAL
PROPERTY INDIA**

एकस्व/PATENTS|अभिकल्प/DESIGNS|
व्यापार चिह्न/TRADE MARKS|भौगोलिक
उपदर्शन/GEOGRAPHICAL INDICATIONS



सत्यमेव जयते

भारत सरकार

GOVERNMENT OF INDIA

एकस्व कार्यालय /THE PATENT OFFICE
बौद्धिक सम्पदा भवन / I.P.O. BUILDING
एंटाप हिल/Antop Hill,
एस.एम.रोड/ S.M.Road,
मुंबई/ Mumbai- 400037
दूरभाष /Tel. No.: (091)(022) 24153651
फ़ैक्स / Fax: 022-24130387
ई मेल/ Email: mumbai-patent@nic.in
वेबसाइट /Website: <http://ipindia.nic.in>

सं.संख्या/Ref.No /आवेदन संख्या/Application No/ 1579/MUM/2011

दिनांक/Date of Dispatch/Email: 21/09/2018

सेवा मे,/To

M.S.KHADILKAR & ALANKAR KIRPEKAR OF K2 I.P.R. (PATENT & TRADEMARK ATTORNEYS) 702,
REHMAN HOUSE,BEHIND PROSPECT CHAMBERS, FORT, MUMBAI 400 001,MAHARASHTRA,INDIA Email
: info@k2ipr.com,info@k2ipr.in

विषय: एकस्व अधिनियम, 1970 की धारा 12 व 13 तथा एकस्व नियम, 2003 के अधीन परीक्षण रिपोर्ट

Subject: Examination report under sections 12 & 13 of the Patents Act, 1970 and the Patents Rules, 2003.

1. उपर्युक्त आवेदन के संदर्भ में परीक्षण रिपोर्ट (अर्थात, एकस्व नियम, 2003 (यथा संशोधित) के नियम 24-ख(3) में विनिर्दिष्ट आपत्तियों का प्रथम कथन) इसके साथ संलग्न है। यह रिपोर्ट परीक्षण हेतु अनुरोध दिनांक 11/09/2012 के उत्तर में जारी की गयी है। परीक्षण रिपोर्ट का उत्तर दाखिल करने की अंतिम तिथि (अर्थात, इस रिपोर्ट में लगाई गयी सभी आवश्यकताओं के अनुपालन की अवधि) आवेदक को आपत्तियों का प्रथम कथन जारी होने की तिथि से छः माह है।

Please find enclosed herewith an Examination Report (i.e. a first statement of objections as specified in Rule 24-B(3) of The Patents Rules, 2003 (as amended)) in respect of above-mentioned application. This report is issued with reference to a request for examination dated 11/09/2012. The last date for filing a response to the Examination Report (i.e. a period to comply with all the requirements raised in this examination report) is six months from the date on which the first statement of objections is issued to the Applicant.

2. यदि रिपोर्ट के अंतर्गत लगाई गयी आवश्यकताओं का अनुपालन एकस्व नियम, 2003 (यथा संशोधित) के नियम 24 ख(5) में विनिर्दिष्ट अवधि के भीतर अंदर अनुपालन नहीं किया गया तो एकस्व अधिनियम 1970 की धारा 21(1) के अधीन वर्तमान आवेदन को परित्यक्त माना जाएगा।
The instant application shall be deemed to have been abandoned under Section 21(1) of The Patents Act, 1970, unless all the requirements raised in this report are complied with in the period as specified in Rule 24-B (5) of The Patents Rules, 2003 (as amended).
3. आपका ध्यान एकस्व नियम, 2003 के नियम 24 ख(6) के प्रावधानों की ओर भी आमंत्रित किया जाता है।
Your attention is also invited to the provisions of Rule 24-B (6) of the Patents Rules 2003.
4. आपको सलाह दी जाती है कि शीघ्र निपटान हेतु अपना उत्तर शीघ्र प्रस्तुत करें।
You are advised to file the reply at the earliest for early disposal.

Kishor Kadbe

नियंत्रक पेटेंट/ Controller of Patents

संलग्न/Enclosed: अपरोक्त अनुसार/As above

टिप्पणी: यह इलेक्ट्रॉनिक रूप से उत्पन्न रिपोर्ट है।

NOTE: This is an electronically generated report.

सभी पत्राचार नियंत्रक एकस्व को उपरोक्त लिखित पते पर भेजा जाये।

All communications should be sent to the Controller of Patents at the above mentioned address.

परीक्षण रिपोर्ट / Examination Report

आवेदन संख्या /Application Number	1579/MUM/2011
दाखिल करने की तिथि /Date of Filing	26/05/2011
पूर्विका दिनांक /Date of Priority	26/05/2010
पीसीटी अंतर्राष्ट्रीय आवेदन की संख्या व दिनांक / PCT International Application No. & Date	--
आवेदक /Applicant	AVAYA INC
परीक्षण हेतु अनुरोध की संख्या व दिनांक /Request for Examination No. & Date	3664/RQ-MUM/2012 11/09/2012
प्रकाशन की तिथि /Date of Publication	07/12/2012

इस परीक्षण रिपोर्ट के चार भाग हैं, अर्थात रिपोर्ट का सारांश, विस्तृत तकनीकी रिपोर्ट, औपचारिक आवश्यकताएँ तथा रिकॉर्ड में दस्तावेज़ /
This examination report consists of four parts, namely summary of the report, detailed technical report, formal requirements and documents on record.

भाग -1: रिपोर्ट का सारांश

PART-I: SUMMARY OF THE REPORT

क्र. सं. /Sl. No.	अधिनियम के तहत आवश्यकताओं पर विस्तृत टिप्पणियाँ /Requirements under the Act	दावों की संख्या /Claim Numbers	टिप्पणी /Remarks
1.	धारा 2(1)(ग) के तहत आविष्कार /Invention u/s 2(1)(j)	नवीनता /Novelty	दावे /Claims: हाँ /Yes
		आविष्कारी कदम / Inventive step	दावे /Claims: 1-10 हाँ /Yes
		औद्योगिक उपयोगिता /Industrial Applicability	दावे /Claims: 1-10 हाँ /Yes
			दावे /Claims: हाँ /Yes
2.	धारा 3 के अधीन पेटेंट-अयोग्यता (यदि हाँ, खंड 3(क-त) /Non-patentability u/s 3 (if yes, specify section3(a-p))	दावे /Claims: 1-10 हाँ /Yes	
		दावे /Claims: हाँ /Yes	
3.	धारा 4 के अधीन पेटेंट-अयोग्यता /Non-patentability u/s 4	दावे /Claims: हाँ /Yes	
		दावे /Claims: 1-10 हाँ /Yes	
4.	धारा 10(4) के अधीन प्रकटन की दक्षता (हाँ/नहीं निर्दिष्ट करें)/Sufficiency of disclosure u/s 10 (4) (Specify Yes/No)	Yes	
5.	सह-लंबित / विदेशी आवेदन (नों) हेतु आवश्यक संदर्भ (हाँ/नहीं निर्दिष्ट करें) /Reference to co-pending/foreign application(s) required (Specify Yes/No)	No	
6.	[धारा 10(5) व 10(4) (ग)] के अधीन दावे /Claims [u/s 10(5) & 10(4) (c)]	स्पष्टता/ संक्षिप्तता /Clarity / Conciseness	दावे /Claims: हाँ /Yes
		परिभाषिकता /Definitive	दावे /Claims: 1-10 हाँ /Yes
			दावे /Claims: हाँ /Yes
		विवरण द्वारा समर्थित /Supported by description	दावे /Claims: 1-10 हाँ /Yes
			दावे /Claims: हाँ /Yes
		क्षेत्र /Scope	दावे /Claims: 1-10 हाँ /Yes
दावे /Claims: हाँ /Yes			

भाग -II विस्तृत तकनीकी रिपोर्ट

PART-II: DETAILED TECHNICAL REPORT

क. उद्धरित दस्तावेजों की सूची /A.List of documents cited:

(क) पेटेंट साहित्य / (a). Patent Literature :

क्र. सं. / SI.no	दस्तावेजों का विवरण /Details of documents	प्रकाशन तिथि(दिन/माह/वर्ष) / Publication date	उद्धरित दस्तावेज का प्रासंगिक विवरण (पृष्ठ व अनुच्छेद संख्या) / Relevant description (page and paragraph no.) of cited document	उद्धरित दस्तावेज के प्रासंगिक दावे / Relevant claims of cited document	अभिकथित आविष्कार के दावे /Claims of alleged invention
1	D1: US20070094597 A1	26/04/2007	(Abstract, Para [0003]-[0005], Para [0021]-[0025], Para [0029]-[0035], Para [0042], Para [0045]-[0047], Para [0052]-[0055], Para [0067], Para [0072]-[0079])	1, 4	1-10
2	D2: US20090002335 A1	01/01/2009	(Abstract, Para [0005], Para [0007]-[0010], Para [0015], Para [0023]-[0037], Para [0052]-[0067], Para [0072]- [0078], Para [0086], Para [0091]-[0095], Para [0113], Para [0118])	21	1-10

(ख) गैर-पेटेंट साहित्य /(b).Non-patent literature

कोई दस्तावेज उद्धृत नहीं है /No Document Cited

ख. अधिनियम के तहत आवश्यकताओं पर विस्तृत टिप्पणियां /B. Detailed observations on the requirements under the Act:

(1).नवीनता / NOVELTY:

(I) ऊपर उद्धरित दस्तावेज के संदर्भ (1-10) में दिये गए प्रकटन के पूर्वानुमान को ध्यान में रखते हुए, निम्नलिखित कारणों से दावा(वों) (1-10) में नवीनता की कमी है /

Claim(s) (1-10) lack(s) novelty, being anticipated in view of disclosure in the document cited above under reference D1 for the following reasons:

Subject matter of claims do not constitute an invention u/s 2(1)(j)of the act. See for instance

D1: US20070094597 A1

Publication Date: 26/04/2007

D1 discloses: A method for displaying a user interface for managing communication sessions on a communications device, the method comprises displaying on a first side portion of the user interface, a first set of user configurable communication information, displaying on a second side portion of the user interface, a second

set of user-configurable communication information and displaying on a center portion of the user interface, a communication work space comprising an active spotlight region (See the Abstract, Para [0003]-[0005], Para [0021]-[0025], Para [0029]-[0035], Para [0042], Para [0045]-[0047], Para [0052]-[0055], Para [0067], Para [0072]-[0079], Claims 1, 4).

Claims 1-10 are not novel w.r.t. D1.

(2). आविष्कारी कदम / INVENTIVE STEP:

(I) ऊपर उद्धरित दस्तावेज़(जों) के संदर्भ D1 and D2 में स्पष्ट अध्यापन(जों) को ध्यान में रखते हुए, निम्नलिखित कारणों से दावा(वों) (1-10) में आविष्कारी कदम की कमी है

Claim(s) (1-10) lack(s) inventive step, being obvious in view of teaching (s) of cited document(s) above under reference D1 and D2 for the following reasons:

D1: US20070094597 A1 Publication Date: 26/04/2007

D2: US20090002335 A1 Publication Date: 01/01/2009

D1 discloses: A method for displaying a user interface for managing communication sessions on a communications device, the method comprises displaying on a first side portion of the user interface, a first set of user configurable communication information, displaying on a second side portion of the user interface, a second set of user-configurable communication information and displaying on a center portion of the user interface, a communication work space comprising an active spotlight region (See the Abstract, Para [0003]-[0005], Para [0021]-[0025], Para [0029]-[0035], Para [0042], Para [0045]-[0047], Para [0052]-[0055], Para [0067], Para [0072]-[0079], Claims 1, 4).

D2 discloses: A communications device having a touch-based user interface, the user interface comprises a processor, a touch sensitive display and a display module configured to output on a first side portion of the touch sensitive display, a first set of user-configurable communication information to output on a second side portion of the touch sensitive display a second set of user configurable communication information to output on a center portion of the touch sensitive display a communication work space and a user input module configured to receive user input via the touch sensitive display and an interaction module configured to update the touch sensitive display based on the user input (See the Abstract, Para [0005], Para [0007]-[0010], Para [0015], Para [0023]-[0037], Para [0052]-[0067], Para [0072]-[0078], Para [0086], Para [0091]-[0095], Para [0113], Para [0118], Claim 21).

Claims 1-10 are not inventive w.r.t. D1 and D2.

(3).पेटेंट अयोग्यता /NON PATENTABILITY:

(I) निम्नलिखित कारणों से धारा 3 के खंड (k,m,n) के प्रावधान के तहत दावा(वे) (1-10) सांविधिक रूप से पेटेंट योग्य नहीं हैं / Claim(s) (1-10) are statutorily non-patentable under the provision of clause (k,m,n) of Section 3 for the following reasons:

(1).The subject matter of claims 1-10 does not define any structural features of the apparatus rather they define computer software. These are nothing but computer program per se. Hence, claims 1-10 fall within the scope of clause (k) of section (3) of the Patents Act, 1970 (as amended).

(2).Claims 1-8 recite various method steps without disclosing what apparatus/structural component carried out said steps. In absence any structural limitations, subject matter of these claims is mere scheme and mental act

and hence falls within scope of clause (m) of section (3) of the Patents Act, 1970 (as amended). Therefore invention claimed in said claims is not patentable.

(3). Claims 1-8 are not patentable under section 3(n) of the Patents Act.

(4). प्रकटन की दक्षता /SUFFICIENCY OF DISCLOSURE:

(I) विनिर्देश पूर्णतया: व विशेषकर आविष्कार तथा इसके संचालन तथा विधि के निष्पादन के संबंध में विवरण नहीं देते हैं।

The complete specification does not fully and particularly describe the invention and its operation and the method by which it is to be performed in respect of:

Complete specification is not properly drafted and does not disclose the best method of performing the invention (section 10(4)(b)) i.e. No background art/prior art are provided in the description due to which inventive nature of the invention is not clear. Hence specification should be redrafted including the reference in the “background art”. Distinguishing features w.r.t prior art should be furnished in the description to ascertain the inventive nature of the invention.

(II) सार /Abstract:

Abstract does not sufficiently provide technical information of the invention. It does not have reference diagram and reference numerals. The abstract should be prepared as the instructions given in rule 13(7)(b), 13(7)(c) and 13(7)(d) of the Patents Rules, 2003 (as amended).

(5). स्पष्टता एवं संक्षिप्तता /CLARITY AND CONCISENESS:

(I) दावा(ते) 1-10 के संबंध में स्पष्ट रूप से परिभाषित नहीं हैं।

Claim(s) 1-10 are not clearly worded in respect of:

Drafting of claims is not proper because of which the nature & scope of the alleged invention cannot be clearly ascertained. The statement of claims should therefore be revised & all essential features of the invention should be brought in claim 1 while subsidiary features of the invention may be claimed in dependent claims i.e.

1. The technical features of the claims should be referenced with numerals in parenthesis to enhance the intelligibility of the claims.
2. The dependent claims should be re-worded to “as claimed in claim ...” and the dependency should be defined in unambiguous manner.
3. Words like “at least” should be removed from the claims so as to maintain the definiteness of the claims.
4. All dependent claims should be dependent on Principal Independent Claim which contains all technical features. Amend the claims to include all technical features on Principle Independent Claim. Multiple dependent claims (any of claims) are not allowed.
5. Claim 8 is not clear since this claim is dependent upon claim 12 which is not mentioned in the claims.
6. Further comprising should be deleted from the claims.

(6). अन्य आवश्यकताएँ /OTHERS REQUIREMENTS:

- (I)
 - (1). Power of authority is not legible. Please submit fresh power of authority.
 - (2). Certified copy of priority document alongwith verified English translation should be filed.

(3). If any amendment is necessitated in the complete specification then it is required to clearly identify (submission of marked copy) the amendments carried out and to indicate the portion (page no and line no) of the complete specification as filed on which these amendments are based on. Further the pages wherever amendments are carried out need to be freshly typed on white pages and to be filed in duplicate.

भाग – III: औपचारिक आवश्यकताएँ /PART-III: FORMAL REQUIREMENTS

आपत्तियाँ /Objections	टिप्पणी /Remarks
Power of Attorney (Whether GPA, SPA, Stamped, requisite fee etc.)	A true copy of power of attorney should be filed regarding the present application in accordance with the patent act 1970 and Indian Stamp Act, 1899 (as amended).
Statement & Under Taking (Form 3 Details)	Foreign filing particulars of all applications made in foreign countries should be filed within prescribed time period under Section 8(1) of the 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 section 8(1)(b) and rule 12(1) of the Act. Details regarding the search and/or examination report including claims of the application allowed, as referred to in Rule 12(3) of the Patent Rules 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 Patents Act.

भाग-IV: रिकॉर्ड में दस्तावेज़ /PART-IV: DOCUMENTS ON RECORD

निम्नलिखित दस्तावेज़ों के आधार पर यह परीक्षण रिपोर्ट तैयार की गयी है

The examination report has been prepared based on the following documents:

कार्यसूची तिथि / Docket Date	कार्यसूची संख्या /Docket Number	प्रविष्टि संख्या विवरण /Entry Number Description
26 May 2011	6333	1-New Application For Patent With Provisional /Complete Specification
11 Sep 2012	11585	28(i)-Request For Examination After 18 months Publication - Form 18
29 Sep 2014	20143	OTHERS(NON CASH)
29 Sep 2014	20143	OTHERS(NON CASH)

नियंत्रक का नाम /Name of the Controller: **Kishor Kadbe**

नियंत्रक स्थान /Controller Location: **Mumbai**

टिप्पणी: परीक्षण रिपोर्ट का उत्तर दाखिल करने की अंतिम तिथि / Note: Last date for filing response to the Examination Report: **21/03/2019**