



भारत सरकार GOVERNMENT OF INDIA

एकस्व कार्यालय/THE PATENT OFFICE बौद्धिक सम्पदा भवन/ I.P.O. BUILDING एंटोप हिल/Antop Hill, एस.एम.रोड/ S.M.Road, मुंबई/ Mumbai- 400037 दुरभाष/Tel. No.: (091)(022)24153651

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सं.संख्या/Ref.No /आवेदन संख्या/Application No/ 201821012075

दिजांक/Date of Dispatch/Email: 12/04/2022

सेवा मे,/To

DEWAN MOHAN RAJKUMAR,

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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 मे परीक्षण रिपोर्ट (अर्थात, एकस्व नियम, 2003 (यथा संभोधित) के नियम 24-ख(3) में विनिर्दिष्ट आपत्तियों का पूथम कथन) इसके साथ संतग्न हैं। यह रिपोर्ट परीक्षण हेतु अनुरोध दिनांक 29/03/2022 के उत्तर मे जारी की गयी हैं। परीक्षण रिपोर्ट का उत्तर दाखित करने की अंतिम तिथि (अर्थात, इस रिपोर्ट में लगाई गयी सभी आवश्यकताओं के अनुपालन की अविधि) आवेदक को आपत्तियों का पूथम कथन जारी होने की तिथि से छः माह हैं।
 - 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 29/03/2022. 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 स्व(5) में विनिर्दिष्ट अविध 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 सताह दी जाती है कि शीघू निपटान हेतु अपना उत्तर शीघू पूस्तुत करें।
 You are advised to file the reply at the earliest for early disposal.

Dr. Subramaniyan S P जियंतुक पेटेंट/ Controller of Patents

संलग्न/Enclosed: अपरोक्त अनुसार/As above

टिप्पणी: यह इलेक्ट्रोनिक रूप से उत्पन्न रिपोर्ट हैं।

NOTE: This is an electronically generated report.

सभी पत्राचार नियंतुक एकस्व को उपरोल्लिखित 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	201821012075
दाखित करने की तिथि /Date of Filing	30/03/2018
पूर्विक्ता दिलांक /Date of Priority	
पीसीटी अंतर्राष्ट्रीय आवेदन की संख्या व दिनांक / PCT International Application No. & Date	
आवेदक /Applicant	AMI ORGANICS PVT. LTD.
परीक्षण हेतु अनुरोध की संख्या व दिनांक /Request for Examination No. & Date	R20222011677 29/03/2022
प्रकाशन की तिथि /Date of Publication	24/07/2020

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. /SI. No.			दावों की संख्या /Claim Numbers	टिप्पणी /Remarks
			ਫ਼ਾਰੇ /Claims:	ਗ਼ੱ /Yes
		नवीनता /Novelty	ਫ਼ਾਰੇ /Claims: 1-16	नहीं /No
1.	धारा 2(1)(त्र) के तहत	/s आविष्कारी कदम / Inventive step	द्रावे /Claims:	ਗ਼ੱ /Yes
2(1)(j)	1		द्रावे /Claims: 1-16	नहीं /No
	_(')0)	औद्योगिक उपयोगिता /Industrial Applicability	द्रावे /Claims: 1-16	ਗ਼ੱ /Yes
			द्रावे /Claims:	नहीं /No
2.	धारा 3 के अधीन पेटेंट-अयोग्यता (यदि हाँ, खंड 3(क-त) /Non- patentability u/s 3		दावे /Claims: 1-16	हाँ /Yes 3(d)
	(if yes, specify section	3(a-p))	ਫ਼ਾਰੇ /Claims:	नहीं /No
3.	धारा 10(4) के अधील पूकटल की दक्षता (हाँ/लहीं लिर्दिष्ट करें)/Sufficiency of disclosure u/s 10 (4) (Specify Yes/No)		No	
II II	[धारा 10(5) व 10(4) (ग)] के अधीन दावे /Claims		दावे /Claims:	ਗ਼ੱ /Yes
	के अधीन दावे /Claims [u/s 10(5) & 10(4) (c)]	III Onciednace	द्रावे /Claims: 1-16	नहीं /No

भाग –॥ विस्तत तकनीकी रिपोर्ट

PART-II: DETAILED TECHNICAL REPORT

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

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

कोई दस्तावेज़ उद्भृत नहीं है /No Document Cited

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

		उद्धरित दस्तावेज़ का प्रासंगिक विवरण (पृष्ठ		
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क्. सं. / Sl.nc	प्रतावचा का Idasa /Derails or	पूकाशन तिथि(दिन/माह/वर्ष) /Publication date	व अजुच्छेद संख्या) /Relevant description (page and paragraph no.) of cited document	अभिकथित आविष्कार के द्वावे /Relevant claims of cited document	अभिक्थित आविष्कार के दावे /Claims of alleged invention
1	D1- Fuqiang Zhu et al., "Development of a Robust Process for the Preparation of High-Quality 4- Methylenepiperidine Hydrochloride" Org. Process Res. Dev. 2018, 22, 1, 91-96. DOI: 10.1021/acs.oprd.7b00350		Entire document especially scheme 6 and experimental section		1-16

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

(1).नवीनता / NOVELTY:

(I) ऊपर उद्धरित दस्तावेज़ के संदर्भ (1-16) में दिये गए पूकटन के पूर्वानुमान को ध्यान में रखते हुए, निम्नितिखित कारणों से दावा(वों) (1-16) में नवीनता की कमी हैं /

Claim(s) (1-16) lack(s) novelty, being anticipated in view of disclosure in the document cited above under reference D1 for the following reasons:

The instant application relates to a process for preparing 4-methylene piperidine hydrochloride comprising the following steps: a) alkylating 1-benzylpiperidine-4-one to obtain 1-benzyl-4-methylidenepiperidine; b) debenzylating 1-benzyl-4-methylidenepiperidine to obtain N-carbethoxy4-methylene piperidine; c) deprotecting N-carbethoxy-4-methylene piperidine to obtain 4-methylidenepiperidine, and d) forming a salt of 4-methylidenepiperidine to obtain 4-methylene piperidine hydrochloride having a purity greater than 95%.

Document D1, whose subject matter appears to be the same as the present application, discloses a process for the preparation of 4-methylene piperidine hydrochloride comprising the steps: carrying out the Wittig reaction between N-benzylpiperidinone and methyltriphenylphosphonium bromide to obtain 1-benzyl-4-methylidenepiperidine which in the next step reacted with ethyl chloroformate under the basic condition to give ethyl 4-methylenepiperidine-1-carboxylate; 4-methylenepiperidine was obtained by heating ethyl 4-methylenepiperidine-1-carboxylate in the presence of ethylene glycol/NaOH; finally 4-methylenepiperidine was converted into its HCl salt using 20% HCl/EtOH (see scheme 6 and experimental section). Therefore, in view of the disclosure of D1, claims 1-16 lack novelty and, hence, do not constitute an invention u/s 2(1)(j) of the Patents Act, 1970 (as amended).

(2).आविष्कारी कदम / INVENTIVE STEP:

(I) ऊपर उद्धरित दस्तावेज़(जों) के संदर्भ D1 में स्पष्ट अध्यापन(नों) को ध्यान में रखते हुए, निम्नतिखित कारणों से दावा(वों) (1-16) में आविष्कारी कदम की कमी हैं

Claim(s) (1-16) lack(s) inventive step, being obvious in view of teaching (s) of cited document(s) above under reference D1 for the following reasons:

Since the subject matter of claims is not novel, therefore their inventive steps cannot be acknowledged u/s 2(1)(ja) of the Patents Act, 1970 (as amended). To prove an inventive step, the applicant should relate the distinguishing features of the present application over the cited prior art document to a surprising technical effect or make it plausible that this distinguishing feature is not obvious in light of the cited documents.



(3).पेटेंट अयोग्यता /NON PATENTABILITY:

(I) निम्नितियत कारणों से धारा 3 के खंड (3(d))के प्रावधान के तहत दावा(वे) (1-16) सांविधिक रूप से पेटेंट योग्य नहीं हैं / Claim(s) (1-16) are statutorily non-patentable under the provision of clause (3(d)) of Section 3 for the following reasons:

The subject matter of claims 1-16 falls within the scope of section 3(d) of the Patents Act 1970 as the said claims are related to a process for preparing 4-methylene piperidine hydrochloride which does not result in a new product or employs at least one new reactant. Therefore, the said claims are not allowable.

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

(I) विनिर्देश पूर्णतयाः 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:

The applicant fails to comply with section 10(4)(c) of the patents act 1970 because the invention in principle claim 1 is not sufficiently disclosed. Various necessary parameters of the reaction such as temperature, time, amount and type of catalyst and solvent, etc. should be clearly defined as well as brought out in the main claim for a better understanding of the scope of the present application.

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

(I) दावा(वे) 1-16 के संबंध में स्पष्ट रूप से परीभाषित नहीं हैं. Claim(s) 1-16 are not clearly worded in respect of:

Claims 1-16 are not clear with respect to term "greater than" "can be" "below" etc. The said terms fail to clearly set forth the meets and bounds of the invention. Therefore, the said claims should be modified to meet the demand of section 10(4) of the patents act, 1970 as amended.

(6).अन्य आवश्यकताएँ /OTHERS REQUIREMENTS:

(I)

Relevant prior art cited in FER should be included in "Background of The Information" and distinguished technical features should be clearly described to ascertain the scope of the invention.

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

आपतियां /Objections	टिप्पणी /Remarks		
Statement &	 Details regarding applications for Patents that 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 subsection (1) of section 8 and rule 12(2) of the Patents Act 1970, as amended. Details regarding the search and/or examination report including claims of the application 		



(Form 3 Details)

allowed, as referred to in Rule 12(3) of the Patent Rule, in respect of the same or substantially the same invention filed in all the major Patent office's such as USPTO, EPO, JPO, etc., along with appropriate English 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 1970, as amended.

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

निम्नितिखत दस्तावेज़ों के आधार पर यह परीक्षण रिपोर्ट तैयार की गयी हैं The examination report has been prepared based on the following documents:

कार्यसूची तिथि / Docket Date	कार्यसूची संख्या /Docket Number	पूर्विष्टि संख्या विवरण /Entry Number Description
30 Mar 2018	14964	1-New Application For Patent With Provisional /Complete Specification
16 Apr 2018	17635	45-Form Of Authorisation Of Patent Agent - Form 26
02 Jun 2018	24626	Proof of Right
04 Jun 2018	24689	OTHERS(NON CASH)
27 Mar 2019	17404	5-Declaration As To Inventorship - Form 5
27 Mar 2019	17404	2-Complete After Provisional Specification - Form 2 Check For No. OF Pages & Claims
29 Mar 2022	18134	28(i)-Request For Examination After 18 months Publication - Form 18

नियंतूक का नाम /Name of the Controller: Dr. Subramaniyan S P

नियंतूक स्थान /Controller Location: Chennai

टिप्पणी: परीक्षण रिपोर्ट का उत्तर दाखिल करने की अंतिम तिथि / Note: Last date for filing response to the Examination Report: 12/10/2022