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Date : 09/08/2014

Letter No.:-CHEM/2014/ 4985

To,
JITIN TALWAR,
ADVOCATE AND PATENT AGENT (INDIA),
REGISTRATION NUMBER-IN/PA 1117, TALWAR ASSOCIATES,
413-P, SECTOR 6, PANCHKULA-HARYANA-134109

SUB : First Examination Report

APPLICATION NUMBER : 2362/DEL/2009
DATE OF FILING : 17/11/2009
DATE OF REQUEST FOR EXAMINATION : 16/07/2010
DATE OF PUBLICATION : 20/05/2011

a) With reference to the RQ No. 5421/RQ-DEL/2010 Dated 16/07/2010 in the above mentioned application 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

Subject matter of claims lack invention in view of below cited documents under section 2(1)(j) of Indian Patents Act,1970.

D1:US4142059 (A) (GREENE JAMES M ETAL) 1979-02-27

D2:EP0632005 (A1) (JONES DAVID ANTHONY) 1995-01-04

D1 discloses An aqueous solution of sodium or potassium 2-ethylhexanoate is spray dried in a spray drier having an inlet temperature ranging from about 100 DEG C. to about 160 DEG C. and an outlet temperature ranging from 60 DEG C. to about 130 DEG C. to provide the corresponding sodium or potassium 2-ethylhexanoate having a moisture content of from about 0.5 to about 5.0 percent by weight and having improved purity and crystalline texture.

D2 discloses a process for the production of a substantially anhydrous salt of an organic acid which comprises reacting a basic compound of a metal with the appropriate organic acid, removing a substantial proportion of water present so as to produce the salt or its hydrate as a liquid phase and then dissolving the liquid phase in a non-aqueous solvent.

D1 and D2 both considered as closest prior arts, as both disclosing synthesis of 2-ethylhexanoate salt, the present alleged invention is differ with D1 in drying of salt. Pan drying is very common and a mere technique for baking. Therefore inventive step underlying the present claims 1-3 hence cannot be acknowledged under section 2(1)(ja) of The Patents Act,1970.

By combining above cited documents, it would be obvious to a person skilled in the art to arrive at the present invention. Thus inventive step can not be acknowledged for the present set claims 1-3.

- 2 Claim 3 is omnibus in nature. The practice of including an omnibus claim does not have any legal basis under the Patents Act. In fact, such a claim cannot be allowed as per Section 10(4)(c) of the Act.
 - 3 The present application has not met the requirements of section 10(4)(d) of Indian Patents act,So to meet the requirement of Patents act applicant should submit abstract in prescribed manner.
 - 4 Original copy of power of attorney should be filed or certified copy of GPA should be filed in accordance with the Patents Act,1970 and Indian Stamps Act,1899 (2 of 1899).
 - 5 The change of address for service should reflect in form-1, hence revised form-1 should be filed.
 - 6 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(h) of sub section(1) of section 8 and rule 12(1) of Indian Patent Act.
 - 7 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.
- 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 10/08/2015.
- 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.



(Hardev Karar)

Deputy Controller of Patents & Designs

NOTE : All Communications to be sent to the Controller of Patents at INTELLECTUAL PROPERTY BUILDING Plot No. 32,
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