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Ref. No POD/Application No/ 2845/CHENP/2010

Date of Dispatch/Email: 28/10/2016

To
M/S. GLOBAL IP SERVICES, PLLC198F, 27TH CROSS, 3RD BLOCK, JAYANAGAR, BANGALORE,
KARNATAKA-560011.

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

1. Please find enclosed herewith an Examination Report in respect of the above mentioned applications. This report is issued in response to the request for examination dated 13/05/2010
You are required to comply with all the requirements, imposed in the report, to put the application in order for grant within 6 months from the issuance of the first statement of objections, as prescribed under Rule 24B (ii)(5) of the Patent Rule, 2003.
2. The instant application shall be deemed to have been abandoned under Section 21(1) of the Patents Act 1970 unless all the requirements imposed by the Act and Rules made there under are complied with latest by 28/04/2017
3. However, you are advised to file your reply at the earliest for early consideration at our end and to complete the processing within the prescribed period.

Vijay Singh
Controller of Patents

Enclosed: As above

NOTE: This is an electronically generated report.

All Communications should be sent to Controller of Patents at the respective jurisdiction of the application.

Examination Report

Application Number	2845/CHENP/2010
Date of filing	13/04/2010
Date of priority	14/09/2007
Date of PCT International Application	12/09/2008
Applicant	CORVENTIS INC.
Agent	Individual
Request for Examination no. & date	3441/RQ-CHE/2010 13/05/2010
Date of Publication	22/10/2010

This examination report consists of four parts, namely summary of the report, detailed technical report, formal requirements and documents on record.

PART-I: SUMMARY OF THE REPORT

Sl. No.	Requirements under the Act	Claim Numbers	Remarks	
1.	Invention u/s 2(1)(j)	Novelty	Claims:1-42	Yes
			Claims:	No
		Inventive step	Claims:	Yes
			Claims:1-42	No
		Industrial Applicability	Claims:1-42	Yes
			Claims:	No
2.	Non-patentability u/s 3 (if yes, specify section3(a-p))	Claims:1-20	Yes 3 (i)	
		Claims:	No	

3.	Non-patentability u/s 4	Claims:	Yes	
		Claims:	No	
4.	Unity of invention u/s 10 (5)	Claims:	Yes	
		Claims:	No	
5.	Sufficiency of disclosure u/s 10 (4) (Specify Yes/No)			
6.	Reference to co-pending/foreign application(s) required (Specify Yes/No)			
7.	Claims [u/s 10(5) & 10(4) (c)]	Clarity / Conciseness	Claims:	Yes
			Claims:	No
		Definitive	Claims:	Yes
			Claims:	No
		Supported by description	Claims:	Yes
			Claims:	No
		Scope	Claims:	Yes
			Claims:	No
8.	Other requirement(s):			

PART-II: DETAILED TECHNICAL REPORT

A. List of documents cited:

Sl.no	Details of documents	Priority date	Publication date	Relevant description (page and paragraph no.) of cited document	Relevant claims of cited document	Claims of alleged invention
A	Patent literature					
1.	US2007020826 2		06/09/2007	[0035],[0036], [0041], [0068],		1-42
2.	US2007014273 2		21/06/2007	[0004], [0069]		1-42
3.						

Sl.no	Details of documents	Priority date	Publication date	Relevant description (page and paragraph no.) of cited document	Relevant claims of cited document	Claims of alleged invention
B	Non-patent literature					
1.						
2.						
3.						

B. Detailed observations on the requirements under the Act:

NOVELTY:

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

Not Applicable

INVENTIVE STEP:

(ii) Claim(s) 1-42 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:

electrocardiogram signal of the patient (para. [0068]), hydration signal of the patient (para. [0036]), a respiration signal of the patient (para. [0036]) or an activity signal of the patient (para. [0035]). However, D1 does not explicitly teach the step of combining the at least two of the electrocardiogram signal, the hydration signal, the respiration signal or the activity signal to detect the impending cardiac decompensation. However, D2 discloses the step of combining the at least two of the electrocardiogram signal, hydration signal, the respiration signal or the activity signal to detect the impending cardiac decompensation (para. [0004]). Given this teaching, it would have been obvious to a person having ordinary skill in the art at the time of the invention to combine the measurement parameters disclosed by D1 with the combining the at least two of the electrocardiogram signal, hydration signal, the respiration signal or the activity signal to detect the impending cardiac decompensation as disclosed by D2 because, as D2 teaches, using combinations of these parameters leads to -advantageous diagnostic regimes that better predict the onset of cardiac decompensation, which allows for earlier diagnosis and intervention, which in turn leads to better patient treatment. Regarding claim 21, D1 discloses system comprising: circuitry to measure at least two of an electrocardiogram signal of the patient (para. [0068]), a hydration signal of the patient (para. [0036]), or an activity signal of the patient (para. [0035]); and a processor system comprising a tangible medium in communication with the circuitry (para. [0041]). D1 does not disclose the processor system configured to combine the at least two of the electrocardiogram signal, the hydration signal, the respiration signal or the activity signal to detect the impending cardiac decompensation. However, D2 does disclose the processor system configured to combine the at least two of the electrocardiogram signal, the hydration signal, the respiration signal or the activity signal to detect the impending cardiac decompensation (paras. [0004], (0069)). Given this teaching, it would have been obvious to a person having ordinary skill in the art at the time of the invention to combine the measurement parameters disclosed by D1 with the combining the at least two of the electrocardiogram signal, hydration signal, the respiration signal or the activity signal to detect the impending cardiac decompensation as disclosed by D2 because, as D2 teaches, using combinations of these parameters leads to advantageous diagnostic regimes that better predict the onset of cardiac decompensation, which allows for earlier diagnosis and intervention, which in turn leads to better patient treatment. Hence, in the view of D1 and D2 claim 1 and 21 of the alleged invention lacks inventive step as per section 2(1)(j) of The Patents Act, 1970. Dependent claims 2-20, 22-42 define obvious implementation details of the system and method defined by the independent claims. They do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the inventive step as per section 2(1)(j) of The Patents Act, 1970.

INDUSTRIAL APPLICABILITY:

(iii) Claim(s) lack(s) industrial applicability for the following reasons:

Not Applicable

NON PATENTABILITY:

(iv) Claim(s) 1-20 are statutorily non-patentable under the provision of clause ([3 (i)]) of Section 3 for the following reasons:

The subject-matter of claims 1-20 are considered to be non allowable under section 3(i) of The Patents Act, 1970 as they describe the method of detecting an impending cardiac decompensation of a patient.

(v) Claim(s) are not allowable under section 4 of the Patents Act, 1970. Not Applicable

UNITY OF INVENTION:

(vi) Claim(s) lack(s) unity of invention as the claims do not relate to a single invention or to a group of inventions linked so as to form a single inventive concept:

Not Applicable

(vii) Claim(s) of the instant application conflict(s) with claim(s) of co-pending application no.

SUFFICIENCY OF DISCLOSURE:

(viii) Claim(s) are not fairly based on the matter disclosed in the specification or not supported by the disclosure in the specification for the following reasons:

Not Applicable

(ix) 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:

Not Applicable

(x) The specification does not disclose the best method of performing the invention which is known to the applicant and for which he is entitled to claim protection for the following reasons:

Not Applicable

(xi) Abstract:

Not Applicable

(xii) Title of Invention:

Not Applicable

(xiii) Drawings are not prepared in accordance with the provisions of Rule 15 of the Patents Rules, 2003 for the following reasons:

Not Applicable

(xiv) Information of source and geographical origin of biological material used in the invention:

Not Applicable

(xv) Details of depositing the biological material to an International Depository Authority under the Budapest Treaty:

Not Applicable

SCOPE:

(xvi) Claim(s) does/do not define the scope of invention for which the protection is claimed for the following reasons:

Not Applicable

CLARITY AND CONCISENESS:

(xvii) Claim(s) are not clearly worded in respect of:

Not Applicable

DEFINITIVENESS:

(xviii) Claim(s) do not sufficiently define the invention for the reasons as follows:

Not Applicable

OTHERS REQUIREMENTS:

(xix) The features of the claims should be provided with reference signs placed in parentheses to increase the clarity of the claims. Claims are not clearly worded in terms of "further comprising". Hence, it should be suitably amended to bring more clarity to the scope of the invention.

PART-III: FORMAL REQUIREMENTS

Objections	Remarks
Statement & Under Taking (Form 3 Details)	Annexure to Form 3 dated 18/11/2010 cannot be taken into record as it is not filed within prescribed time limit. 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.
Power of Attorney (Whether GPA, SPA, Stamped, requisite fee etc.)	GPA should be filed with the prescribed stamp duty as under the Indian stamp act, 1899.
Format of Specification (rule 13)	Reference sign should be mentioned in the abstract under rule 13(7)(d). Claims should be prefaced with the phrase "we claim". Date and signature should be given at the end of the last page of specification in prescribed manner U/S 10 and U/R 13.
Other Deficiencies	Form 5 should be duly filled in.

PART-IV: DOCUMENTS ON RECORD

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

Request For Examination WITH REFERENCE NUMBER 3441/RQ-CHE/2010 FILLED ON 13 May 2010

Name of the Controller: Vijay Singh

Note: Last date for filing response to the Examination Report: 28/04/2017