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Ref. No POC/Application No/3712/CHE/2011

Date of Dispatch 21 Apr 2017
BY REGISTERED A.D

To
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Sub: Hearing Notice in Reference of Application No. 3712/CHE/2011

With reference to your reply to the First examination Report/Subsequent Examination Report, a hearing is fixed in the matter on 05 Jun 2017 at 11:00 AM To 11:30 AM . You are therefore, required to appear before the Controller for the hearing on above said date and time.

The following objection(s) are still outstanding before / after the expiry of last date for putting this application in order for grant of patent.

Objections

Invention u/s 2(1)(j)

1. After consideration of reply to FER by the applicant, novelty of amended claims 1-6 can be recognized, but inventive step cannot be acknowledged for the following reason stated below: D1: US 6600046 B2, 29/06/2003; (cited as D1 in FER) D2: US6693194 B2, 17/02/2004; Document D1 also discloses process for the preparation of 1-(6-methylpyridin-3-yl)-2-[(4-(methylsulphonyl) phenyl)ethanone (formula-I of instant application). The difference between D1 and instant application is D1 does not teach the oxidation in step (c) as in situ in the presence of H₂SO₄ & acetic acid and in absence of an alkali metal tungstate catalyst. Document D2 (see reaction scheme-1) teaches in situ oxidation of 4,6-dichloro-2-(methylthio)-1,3-pyrimidine to 4,6-dimethoxy-2-(methylsulfonyl)-1,3-pyrimidine using hydrogen peroxide and aprotic solvent like acetic acid and in the absence of alkali metal tungstate catalyst. Hence, a person with ordinary skill in the art can oxidise formula-II of instant application from the teachings of D2 without using alkali metal tungstate catalyst to get formula-I without applying any inventive ingenuity. Therefore, the subject matter of amended claims 1-6 cannot be considered as involving an inventive step under section 2(1)(j) of The Patents Act,.

AHILAN B

ASSISTANT CONTROLLER of Patents & Designs