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एकस्व/PATENTS|अभिकल्प/DESIGNS|
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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: 044 24130387
ई मेल/ Email: mumbai-patent@nic.in
वेबसाइट /Website: <http://ipindia.nic.in>

सं.संख्या/Ref.No /आवेदन संख्या/Application No/ 476/MUM/2010

दिनांक/Date of Dispatch/Email: 11/09/2017

सेवा मे,/To

DR. GOPAKUMAR G. NAIR AGENT OF THE APPLICATION GOPAKUMAR NAIR ASSOCIATES
"SHIVMANGAL" 3RD FLOOR, NEAR BIG BAZAR, AKURLI ROAD, KANDIVLI (EAST), MUMBAI-400 101.
MAHARASHTRA, INDIA. Email : gopannair@gnaipr.net

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 06/08/2013 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 06/08/2013. 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.

Dr. SUKANYA CHATTOPADHYAY
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	476/MUM/2010
दाखिल करने की तिथि /Date of Filing	22/02/2010
पूर्विका दिनांक /Date of Priority	--
पीसीटी अंतर्राष्ट्रीय आवेदन की तिथि /Date of PCT International Application	--
आवेदक /Applicant	WANBURY LIMITED
परीक्षण हेतु अनुरोध की संख्या व दिनांक /Request for Examination No. & Date	3357/RQ-MUM/2013 06/08/2013
प्रकाशन की तिथि /Date of Publication	26/07/2013

इस परीक्षण रिपोर्ट के चार भाग हैं, अर्थात् 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: 1-7 हाँ /Yes
		आविष्कारी कदम / Inventive step	दावे /Claims: हाँ /Yes
		औद्योगिक उपयोगिता /Industrial Applicability	दावे /Claims: 1-7 हाँ /Yes
			दावे /Claims: हाँ /Yes
			दावे /Claims: 1-7 हाँ /Yes
			दावे /Claims: हाँ /Yes
2.	धारा 10(4) के अधीन प्रकटन की दक्षता (हाँ/नहीं निर्दिष्ट करें)/Sufficiency of disclosure u/s 10 (4) (Specify Yes/No)	1	
3.	[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 हाँ /Yes
		विवरण द्वारा समर्थित /Supported by description	दावे /Claims: हाँ /Yes
		क्षेत्र /Scope	दावे /Claims: 1 हाँ /Yes
			दावे /Claims: हाँ /Yes
			दावे /Claims: 1 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. /	दस्तावेजों का विवरण /Details of	प्रकाशन तिथि(दिन/माह/वर्ष) /	उद्धरित दस्तावेज का प्रासंगिक विवरण (पृष्ठ व अनुच्छेद संख्या) / Relevant description	उद्धरित दस्तावेज के प्रासंगिक दावे / Relevant claims of	अभिकथित आविष्कार के दावे /Claims of
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Sl.no	documents	Publication date	(page and paragraph no.) of cited document	Relevant claims of cited document	alleged invention
1	D1:GB831844	06/04/1960	entire document		1-7
2	D2:DE2547672	07/10/1976	entire document		1-7

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

कोई दस्तावेज़ उद्धृत नहीं है / No Document Cited

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

(1). आविष्कारी कदम / INVENTIVE STEP:

(I) ऊपर उद्धरित दस्तावेज़(जों) के संदर्भ में स्पष्ट अध्यापन(जों) को ध्यान में रखते हुए, निम्नलिखित कारणों से दावा(वों) (1-7) में आविष्कारी कदम की कमी है

Claim(s) (1-7) lack(s) inventive step, being obvious in view of teaching (s) of cited document(s) above under reference for the following reasons:

Claims 1-7 of instant application lack an inventive step in view of following citations:

D1:GB831844 and D2:DE2547672

D1 discloses a process for the preparation of alkali metal salts of homocysteine and acid addition salts of the thiolactone thereof. In the said method methionine is demethylated with an alkali metal in the presence of liquid ammonia, the metal salt so formed being treated with an acid to give an acid addition salt of the thiolactone. Instant application differs from D1 in that the mixture obtained after demethylation of methionine is treated differently in present application as compared to D1 to arrive at the hydrochloride. However D2 discloses a process for recovering homocysteine thiolactone hydrochloride from a reaction mixt. obtd. by demethylation of methionine with Na in liq. NH₃ and subsequent evapn. of the NH₃, the reaction mixt. is taken up in 800-1000 ml water per mol methionine used, the aq. soln. is concd. to 50-70% of its vol, the concentrate is mixed with 400-500 ml of 30-33 wt.% HCl per mol methionine used, the mixt. is concd. to 40-60% of its vol. the concd. mixt. is sep'd. from pptd. NaCl at 40-90 degrees C and then cooled to 0-30 degrees C, and the pptd. homo cysteine thiolactonehydrochloride is isolated. Highly pure prod. is obt'd. in a yield of 90-95% (based on methionine used). Therefore in view of combined teachings of D1-D2, it is obvious for a person of ordinary skill in the art to arrive at the presently claimed process of claim 1. Further dependent claims 2-7 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of inventive step, because they do not extend beyond every day's modifications commonly implemented by the skilled person in view of D1-D2. Also the alleged application does not disclose any improved effect for the claimed process. Hence in absence of any improved effect claims of instant application fails to pass the inventive step test, u/s 2(i) (j) of the Act, and are therefore not allowable.

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

(I) दावा(वे) 1 विनिर्देश में प्रकट विषय पर आधारित नहीं है अथवा निम्नलिखित कारणों से विनिर्देश में प्रकटन द्वारा समर्थित नहीं है।

Claim(s)'1' are not fairly based on the matter disclosed in the specification or not supported by the disclosure in the specification for the following reasons:

Present claim 1 step (e) is too broad, vague, speculative in scope and not definitive as the said step relate to an extremely large number of possible compounds in view of broad terms "phase transfer catalyst" and "alcoholic

solvent". Said terms are very general terms and can include a large number of compounds falling within it. Hence said claim 1 is not at all clear as required u/s 10(4) of the Act. Also the assumption is inherently unlikely that every possibility falling within the very broad and speculative scope of the above-mentioned terms are supported by description. Therefore last step of presently claimed process so lack support and the application so lacks sufficiency of disclosure within the meaning of section 10(4) of the Act.

(II) 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:

Also claim 1 of the instant application is not fairly supported by the description and thus attract section 10(4) of the Act, as step (e) is too broad, vague, speculative in scope and not definitive as the said step relate to an extremely large number of possible compounds in view of broad terms "phase transfer catalyst" and "alcoholic solvent". Said terms are very general terms and can include a large number of compounds falling within it. Hence step e of claim 1 is not at all clear as required u/s 10(4) of the Act. Also not every possibility falling within the very broad and speculative scope of the above-mentioned terms are supported by description. Hence last step of said claim 1 is not at all fully supported by description u/s 10(4) of the Act.

(III) सार /Abstract:

Title should be provided in abstract as per rule 13(7)(a) of the Patent Rules, 2003 (as amended).

(3).क्षेत्र /SCOPE:

(I) दावा(ते) 1 आविष्कार के उस क्षेत्र जिस के लिए संरक्षण का दावा किया गया है उसे निम्नलिखित कारणों से परिभाषित नहीं करता(ते) है।

Claim(s) 1 does/do not define the scope of invention for which the protection is claimed for the following reasons:

Process claim 1 is not sufficiently defined, as the reaction steps along with technical parameters (temperature, pressure, etc.) are not disclosed therein. Therefore claim 1 has not disclosed the best method to perform the art. Process claims must include technical parameters and hence claim 1 and its dependent claims attracts clause (b) of section 10(4) of the Act.

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

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

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

Term comprising as used in claim 1 is an open ended term and in view of this, scope of present claim is non-limiting as it can contain further steps. Therefore term "comprising" should be replaced with "consisting of".

(5).परिभाषिकता /DEFINITIVENESS:

(I) दावा(ते)1 निम्नलिखित कारणों से आविष्कार को पर्याप्त रूप से परिभाषित नहीं करता(ते) हैं

Claim(s) 1 do not sufficiently define the invention for the reasons as follows:

Abbreviation DM water as used in step (b) of claim 1 should be in expanded form.

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

आपत्तियां /Objections	टिप्पणी /Remarks
Date and Signature of Applicant	Fresh Form-3 and Form-5 needs to be filed with the application no. duly mentioned therein.
Other Deficiencies	Freshly typed page 10 of the complete specification should be submitted cancelling (with signature) the blank space appearing at the bottom of this page.
Statement & Under Taking (Form 3 Details)	1) 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, 2003 (as amended) 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. 2) 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 of Indian Patents Act and rule 12(1) of Patent Rules, 2003 (as amended).

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
22 Feb 2010	2805	1-New Application For Patent With Provisional /Complete Specification
06 Aug 2013	16550	28(i)-Request For Examination After 18 months Publication - Form 18
06 Aug 2013	16550	OTHERS(NON CASH)

नियंत्रक का नाम /Name of the Controller: **Dr. SUKANYA CHATTOPADHYAY**

नियंत्रक स्थान /Controller Location: **Kolkata**

टिप्पणी: परीक्षण रिपोर्ट का उत्तर दाखिल करने की अंतिम तिथि / Note: Last date for filing response to the Examination Report: **11/03/2018**