

Ref. No.: PAT/HR/09/2020_201621034764

Date: 9th Sept 2020

To,
THE CONTROLLER OF PATENTS,
Intellectual Property Building,
S. M. Road, Antop Hill, Mumbai- 400037.

Asst. Controller: Dr. Sharana Gouda

Hearing Date : 28/08/2020

Dear Sir/ Madam,

Subject : Ragi and walnut soup mix
Application Number : 201621034764
Date of Filing : 12/10/2016

Reference is made to the Hearing Notice issued in the subject application on 27th July 2020 and the hearing attended by us on 28th Aug 2020. We submit under-mentioned documents and present the following reply:

At the outset it is humbly submitted that original claims 1-10 have been amended to meet Controller's requirements in which,

- The original independent claim 1 is amended to new independent claim-1.
- Original dependent claims 2-10 have been amended to new dependent claim 2.
- All essential features of the invention are incorporated in amended independent claim1.

The amended claims now read as follows:

I claim,

1. A Ragi and Walnut Soup Mix comprising of

- a. 1 tablespoon Ragi Satva*
- b. 1 tablespoon crushed Walnut,*

- c. *1 pinch of Roasted edible gum powder,*
 - d. *1 pinch of Black Salt,*
- characterized in that said soup mix is completely preservative free.*

2. The Ragi and Walnut Soup Mix as claimed in claim 1 wherein additional embodiments used to enhance taste and flavour of the soup includes: Flax seed Powder, Ginger Powder, Garlic Powder, Mint Powder, Black Pepper Powder, Curry Leaves Powder, Cheese, Jaggery Powder, Crushed Almonds etc.

Referring to Formal Requirement(s)

1. Regarding objection in para-1 for National Biodiversity Act (NBA) Approval:

As required by the Learned Controller, it is humbly submitted that the applicant has applied for an approval of NBA as per Section 6 of the Biological Diversity Act, 2002, (NBA application number: INBA3201901104). The acknowledgement receipt of NBA Application Form and Fresh Form-1 are attached herewith for your kind perusal. The applicant has also received confirmation email on 2nd July 2020 for execution of Agreement for approval, copy of this email is also attached herewith for your perusal. Reconsideration and withdrawal of the objection is respectfully requested.

Other Requirement(s)

1. Referring to para-1 which states that, “applicant has not submitted fresh form-1 as requirement of Formal objection in para “Permission from NBA”, thus objection in said para is being maintained”, we submit following reply:

Fresh Form-1 with revised undertaking and declarations by the applicant is attached herewith for your kind perusal. Reconsideration and withdrawal of the objection is respectfully requested

It is submitted that all the amendments to the claims are directly and unambiguously derivable from the application as originally filed, and therefore meet the requirements of The Patents Act, 1970.

2. Referring to the Para-2 regarding the amendments made in the claims are not allowable u/s 59 of the Act, as the amendments describe matter not in substance disclosed in the complete specification, Applicant respectfully resists the objection and submits following reply:

2.1 Claims on record have been suitably amended as described above and the amended Claims describe matter which is in substance with the complete specification and therefore, allowable under Section 59 of the Patents Act, 1970.

SUBMISSION PERTAINING TO OBJECTIONS IN PARA 1-6 OF FER:

1. Referring to objection 1(of FER) with regard to inventive step, the applicant respectfully resists the objection and submits that the present invention is inventive in view of the cited prior art documents D1 – D5 namely,

D1:<https://www.bumpsnbaby.com/ragi-souptoddlers-kids/>

D2:<https://www.subbuskitchen.com/ragi-ladoorecipe-finger-millet-and/>

D3:<https://www.tarladalal.com/Ragi-and-Gaund-Golpapdi-38928r>

D4:<https://www.smithakalluraya.com/multigrainflax-seed-savory-crackers-recipe-multigrainbaked-nipattu/>

D5: TKDL document AT/1941 BalEtailam

It is humbly submitted that the applicant has amended the claims; the amended claims make the present invention inventive over Cited Documents D1-D4 in following ways:

Cited document D1 discloses a soup recipe containing sprouted Ragi flour, garlic, ginger and pepper powder. Cited document D2 discloses Ragi Ladoo Recipe containing Ragi flour, walnuts and jiggery. Cited document D3 discloses golpapadi recipe containing Ragi flour, edible gum, jiggery and almonds. Cited document D4 disclose multigrain flax seed savory crackers recipe containing Ragi flour, flax seeds and curry leaves. Cited document D5 of TKDL, discloses therapeutic compound formulation by using finger Millet, Walnut, Edible gum and Black Salt.

All the cited documents disclose the recipes of food items which can be consumed immediately or within 2-3 days after cooking them. Whereas present invention is an Instant

Soup Mix(Ready to Cook) composition comprising Ragi Satva, Walnut, Black Salt and Edible gum in a specific proportion. It is also meant to provide convenience to consumers by reducing the time of preparation while the nutritive values are retained as the soup mix offers natural ingredients with no added preservatives and has a long shelf life. The peculiar combination of finger millet, walnut, black salt and edible gum enhances the taste and quality of the instant mix. This instant soup mix is made available in different flavors like ginger, flax seeds, garlic, mint, curry leaves, jaggery, almond, cumin seeds, cheese and black pepper etc.

Ragi Satva(Finger Millet Malt) is an essential embodiment of the present invention. It is prepared by powdering/ grinding the sprouted finger millet. Sprouting of finger Millet is done for specific period of time. None of the documents D1 to D5 disclose process for preparing Ragi Satva (Finger Millet Malt). Edible gum used in the present invention is in the roasted form. Walnuts used in the present invention are crushed by using specific steps. In order to add variety of flavors as well as taste, ingredients like ginger, flax seeds, garlic, mint, curry leaves, jaggery, almond, cumin seeds, cheese and black pepper are added as per demand.

The present invention Ragi and walnut instant soup mix forms an excellent substitute for non vegetarian food as it is rich in Omega-3, Omega-6 fatty acids and calcium solving the deficiency of Vitamin B12 which is prevalent in vegetarian diet.

The differences cited above are not obvious to the person skilled in the art as these variations have not been practiced in the cited document D1-D4 and the claimed invention has successfully made use of these variations leading to the distinct and innovative product. This novel hot beverage is a very healthy and nutritional food item. It can be consumed as a part of daily diet eliminating it to be treated as a kind of some medicine and part of some treatment unlike what is disclosed in cited document D5.

In light of the distinguishing characteristics of the present invention as compared to the cited documents D1-D5, reconsideration and withdrawal of the objections is requested.

2. Referring to objection 2(i), as required by the Learned Controller, we have amended the specification and have included Product characteristics and observed results obtained through actually working of the claimed process in the complete specification.

The distinguishing features of the present invention in view of the objection raised with respect to Section 3(d), 3(e) and 3(p) have been described below.

The present invention comprises use of Ragi Satva, Crushed Walnut, Roasted edible gum and black salt in a specific proportion, also they are processed to form hot beverage (Soup) having characteristics to provide nutrition and energy value as mentioned in below table-1.

Table 1: Test Report of Ragi and walnut soup prepared in accordance with present invention, obtained through National Agriculture and Food Analysis and Research Institute which is NABL accredited laboratory as per ISO / IEC: 17025: 2005

Sr. No.	Parameters	Results	Units	Test Methods
1	Energy Value	427	Kcal/100gm	By Calculation
2	Protein	5.79	g/100gm	IS:2234: 2010
3	Carbohydrate	73.43	g/100gm	IS:1656: 2012
4	Fat	12.23	g/100gm	IS;12220: 2010
5	Iron	8.71 *	mg/100gm	AOAC 944.02.32.01.09
6	Calcium	269.58	mg/100gm	IS:15121: 2013
7	Saturated Fat	4.36	g/100gm	AOAC 996.01
8	Monounsaturated Fat	5.16	g/100gm	AOAC 996.01
9	Polyunsaturated Fat	2.71	g/100gm	AOAC 996.01
10	Trans Fat	< 0.01	g/100gm	AOAC 996.01
11	Omega 3	0.20	--	AOAC 996.01
12	Omega 6	2.44	--	AOAC 996.01

* Value thus marked is not accredited by NABL

Ragi and Walnut are the essential embodiments used in present invention. The nutritional values present in Ragi are mentioned in Table-2; the nutritional values present in walnut are mentioned in Table-3:

Table:2 Test Report for Nutritional Values of Ragi obtained through National Agriculture and Food Analysis and Research Institute which is NABL accredited laboratory as per ISO / IEC: 17025: 2005

Nutritional summary			
Total calories(Energy)		378	
Protein		11g	
Fat		0.4g	
Carbohydrates		72.9g	

Sr. No.	Nutrients	Amount	% Value
1	Calcium	8 mg	0.8%
2	Manganese	1.63mg	81.6%
3	Copper	0.75mg	37.5%
4	Magnesium	114mg	28.5%

Table:3 Test Report for Nutritional Values of Walnuts obtained through National Agriculture and Food Analysis and Research Institute which is NABL accredited laboratory as per ISO / IEC: 17025: 2005

Sr. No.	Nutrients	Percentage per 100g
1	Carbohydrate	13.75%
2	Protein	15.24%
3	Sugar	2.61%
4	Fiber	6.7%
5	Manganese	½ of the daily requirement
6	Copper	1/5 th of the daily requirement
7	Magnesium	1/10 th of the daily requirement
8	Phosphorus	1/10 th of the daily requirement
9	Vitamin B6	1/12 th of the daily requirement
10	Iron	1/20 th of the daily requirement

All the embodiments used in present invention are first processed to standardize and optimized them before mixing. As illustrated in above table-1, the hot beverage prepared thereafter is having Energy Value: 427%, Protein: 5.79%, Carbohydrate: 73.43%, Fat: 12.23%, Calcium: 269.58%, Omega 3: 0.02 and Omega 6: 2.44. Hence the combination of

embodiments provides synergistic effect as compared to properties of each ingredient separately. Therefore present invention does not fall U/S 3(d) of Patent Act.

Though use of Finger Millet and Walnut to prepare healthy and nutrition food is known in prior art; None of the cited document disclose instant soup mix composition through which Instant (Finger Millet)Ragi-Walnut Soup with enhanced health benefits and nutritional values as shown in Table-1, can be prepared. Therefore present invention does not fall U/S 3(d), 3(e) and 3(p) of Patent Act.

Reconsideration and withdrawal of the objection with respect to Section 3(d), 3(e) and 3(p) of Patent Act is respectfully requested.

3. Referring to objection 3(i), as required by the Learned Controller, we have amended the specification and have included Product characteristics and observed results obtained through actually working of the claimed process in the complete specification. The amended specification as per requirement u/s 10 (4) (a) (b) (c) of the Patents Act, 1970 is attached herewith for your perusal. Reconsideration and withdrawal of the objection is respectfully requested.

4. Referring to objection 3(ii), as required by the Learned Controller and as per requirement of Section 10(4)(ii)(D) of the Patents Act, we have amended the specification and have included Source and geographical origin of biological materials/resources used in present application as mentioned below in Table:4

Table:4 Source and geographical origin of biological materials/resources used in present application

Sr. No.	Ingredients	Scientific Name	Source	Geographical Origin
1	Ragi(Finger Millet)	Eleusine coracana	Local Market	Maharashtra, India
2	Walnut	Juglans	Local Market	Maharashtra, India
3	Edible gum	Anogeissus	Local Market	Maharashtra, India

Reconsideration and withdrawal of the objection is respectfully requested.

5. Referring to objection 4, 5 and 6, as required by the Learned Controller, we have amended the claims. The amended claims maintain the proper scope of the invention for which protection is sought. Dependency of all dependent claims has been maintained with proper preamble. The amended claims are now clear, concise and definite in nature. Reconsideration and withdrawal of these objections is respectfully requested.

It is believed that all requirements raised in the hearing notice dated 27/07/2020 have been responded to and the Claims have been amended so as to receive the Learned Controller's satisfaction. The Applicant therefore, requests for allowance of the application. The Applicant also requests an opportunity to be heard prior to the Learned Controller passing any order or decision adversely affecting the application or the applicant.

Yours faithfully,



[RASHMI HINGMIRE]

PATENT AGENT NO.: IN/PA/1844

OF GMGC, PUNE.

ATTORNEY FOR THE APPLICANT[S]

Enclosures:

- Amended Claims with Marked-up copy;
- Amended Specification with marked-up copy;
- Fresh Form-1 with revised undertakings and declarations;
- Acknowledgement of NBA application;
- Copy of email from NBA authority for approval.