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S. M. ROAD, ANTOPI HILL
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Date : 12/03/2012

Letter No.: -CHEM/2012/ *chem/1367*

To,
GOWREE GOKHALE,
NISHITH DESAI ASSOCIATES,
93-B, MITTAL COURT,
NARIMAN POINT,
MUMBAI 400 021,
INDIA

SUB : First Examination Report

APPLICATION NUMBER : 1220/MUMNP/2009
DATE OF FILING : 29/06/2009
DATE OF REQUEST FOR EXAMINATION : 23/04/2010
DATE OF PUBLICATION : 14/08/2009

a) With reference to the RQ No. 1219/RQ-MUM/2010 Dated 23/04/2010 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 Form 13 filed for voluntary amending claims at the national phase can not be allowed. Form 13 filed for the amendments of claims by way of addition of claims can not be allowed as per the provisions of sec 59 of the Act. The amendments as per sec 59 can be carried either by way of explanation or correction or disclaimer but cannot be by way of addition of new claims. Further you have not filed a marked copy of the amendments carried out in claims. Therefore, you are required to file a those set of claims which are filed before PCT and on which ISR & IPER is established.
 - 2 Subject matter claimed in claim 1-21 is not fulfilling requirement of section 2 (1) (j) of Patents Act being obvious over 01-03 as cited in International Search Report; for details please refer to Written Opinion of the International Searching Authority;
 - 3 Subject matter claimed in claims 1-5 is not patentable u/s 3 (d) of Patents Act;
 - 4 Subject matter claimed in claims 18-20, 22 is not an invention within meaning of section 2 (1) (j) of Patents Act;
 - 5 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.
 - 6 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 12/03/2013.
- 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.

(A T Patre)
Asst. Controller of Patents & Designs

NOTE : All Communications to be sent to the Controller of Patents at INTELLECTUAL PROPERTY BUILDING S. M. Road, Antop Hill Mumbai-400 037.

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