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11 0 MAR 2008

Ref No: -1398/MAS/1997-KVP

024063

Dated: / /2008

To  
M/s. DEPENNING & DEPENNING  
Intellectual Property House,  
31 south Bank Road,  
Chennai - 600 028

**SUB: FIRST EXAMINATION REPORT**  
**REF: - PATENT APPLICATION NO. 1398/MAS/1997**  
**NAME OF APPLICANT: YAMANOUCHI EROPE B.V.,**

Gentlemen,

With reference to request No. 3507/RQ/CHE/2004 made on 17/05/2004 by M/s. DEPENNING & DEPENNING, above quoted application has been examined under section 12 of the Patents Act, 1970 as amended and the **First Examination Report** containing a statement of objections is forwarded herewith for compliance thereof.

The documents noted in the margin are enclosed herewith for amendment in this respect, and the amended documents along with observations, if any, may be submitted, in your own interest, at the earliest, for further examination U/S 13(3). **The time limit, for putting the application in order for grant, is twelve months from the date of issue of this report.**

The application referred to will be deemed to have been abandoned unless all requirements imposed by the said act and Patents Rule 2003 as amended are **complied within 12 months U/S 21(1). No extension of time beyond 12 months is allowed.**

The pages of the complete specification should be freshly typed wherever corrections or interpolation are made. The typed pages in duplicate should be on white papers in order that clear photocopies of the specification can be prepared. The original pages in that case should be returned to this office duly cancelled.

It is in the interest of the applicant to comply with the requirements at the earliest.

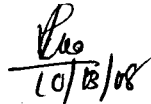
Yours faithfully,

  
(K. VARAPRASAD)

EXAMINER OF PATENTS AND DESIGNS  
for ASST. CONTROLLER OF PATENTS AND DESIGNS.

**Encl.:**

1. Application Form 2A ✓
2. Provisional Specification ✓
3. Complete specification 22 pages ✓
4. Drawing Sheets ✓
5. Form 4/Form 6/Form 3/Form 5/Form 18, Form H Annex ✓
6. Power of Authority ✓

  
DISPATCHER,  
PATENT OFFICE,  
CHENNAI - 600 032.

- ✓ 1. Subject matter of claims does not constitute an 'invention' due to lack of inventive step in Patent Act 1970. Hence claims are not allowable Under Section 2(i)(j)(a) of the patents (amendment) act 2005 cited documents
- a. US 1560475 ✓
  - b. DE 2259646 ✓
  - c. WO 92/19227 ✓
  - d. EP 0281200. ✓
- ✓ 2. Assuming but not accepting claims are invention<sup>ve</sup> claims falls within the scope of sub clause (d)(e) of section 3. ✓
- ✓ 3. Claims are not clearly worded. Delete the word characterized<sup>u</sup> in dependent claims.
- ✓ 4. Title is inconsistent with description and claims.
- ✓ 5. Power of Attorney should be filed.
- ✓ 6. Application number and date shall be mentioned in Form 3.
- ✓ 7. Latest status of foreign filing particulars should be communicated to the office at the earliest.
- ✓ 8. Pages of the complete specification shall be serially numbered and mentioned at the bottom of each page.
- ✓ 9. Line indicating numbers and other irrelevant portion shall be deleted from complete specification.
- ✓ 10. Claims should be prefaced with the word "I/We claim"
- ✓ 11. Application number shall be mentioned in Form 5.
- ✓ 12. Details regarding the search and/or examination report including claims of the applications allowed, as referred to in rule 12(3) of the Patents Rule 2003, as amended by the Patents (Amendment) Rules 2005 in respect of same or substantially the same inventions filed in all the major Patent offices, such as USPTO, EPO, and JPO etc., along with appropriate translation where applicable, should be submitted within a period of 6 months from the date of receipt of this communication as provided under section 8(2) of the Indian Patents (Amendment) Act 2005.
- ✓ 13. You are requested to quote Reference No. and Date of FER (this) letter for all future correspondence.

psk