



सं.संख्या/Ref.No /आवेदन संख्या/Application No/ 201911046328

दिनांक/Date of Dispatch/Email: 01/08/2022

सेवा में,/To

Divyanshu Yadav,

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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 29/07/2022 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 29/07/2022. 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.

Vishal Shukla
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 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	201911046328
दाखिल करने की तिथि /Date of Filing	14/11/2019
पूर्विका दिनांक /Date of Priority	--
पीसीटी अंतर्राष्ट्रीय आवेदन की संख्या व दिनांक / PCT International Application No. & Date	--
आवेदक /Applicant	Bharuwa Solutions Private Limited
परीक्षण हेतु अनुरोध की संख्या व दिनांक /Request for Examination No. & Date	E2022102772029/07/2022
प्रकाशन की तिथि /Date of Publication	21/05/2021

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: 1-13 हाँ /Yes
		आविष्कारी कदम / Inventive step	दावे /Claims: हाँ /Yes
		औद्योगिक उपयोगिता /Industrial Applicability	दावे /Claims: 1-13 हाँ /Yes
			दावे /Claims: नहीं /No
2.	धारा 3 के अधीन पेटेंट-अयोग्यता (यदि हाँ, खंड 3(क-त) /Non-patentability u/s 3 (if yes, specify section3(a-p))	दावे /Claims: 1-13	हाँ /Yes K
		दावे /Claims:	नहीं /No
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: 1-13 नहीं /No
			दावे /Claims: हाँ /Yes
			दावे /Claims: 1-13 नहीं /No

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. / Sl.no	दस्तावेजों का विवरण /Details of documents	प्रकाशन तिथि(दिन/माह/वर्ष) / Publication date	उद्धरित दस्तावेज का प्रासंगिक विवरण (पृष्ठ व अनुच्छेद संख्या) / Relevant description (page and paragraph no.) of cited document	उद्धरित दस्तावेज के प्रासंगिक दावे / Relevant claims of cited document	अभिकथित आविष्कार के दावे /Claims of alleged invention
			(Abstract; Para. [0072],		

1	US20170257426A1	07/09/2017	[0079], [0088], [0133] - [0135], [0164], [0272]; Figures 15A-21, 33, 38, 39, 53)		1-13
2	US20130041833A1	14/02/2013	(Abstract; Para. [0029], [0038], [0049], [0050]-[0058]; Claims 11-27)		1-13

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

क्र. सं. / Sl.no	दस्तावेजों का विवरण / Details of documents	प्रकाशन तिथि (दिन/माह/वर्ष) / Publication date	उद्धरित दस्तावेज का प्रासंगिक विवरण (पृष्ठ व अनुच्छेद संख्या) / Relevant description (page and paragraph no.) of cited document	अभिकथित आविष्कार के दावे / Relevant claims of cited document	अभिकथित आविष्कार के दावे / Claims of alleged invention
1	M. P. Caro, M. S. Ali, M. Vecchio and R. Giaffreda, "Blockchain-based traceability in Agri-Food supply chain management: A practical implementation," 2018 IoT Vertical and Topical Summit on Agriculture - Tuscany (IOT Tuscany), Tuscany, 2018 (07-06-2018), pp. 1-4.	07/06/2018	(Whole Document)		1-13

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 दस्तावेज(जों) के संदर्भ D1 or D2 or D3 में स्पष्ट अध्यापन(जों) को ध्यान में रखते हुए, निम्नलिखित कारणों से दावा(वों) (1-13) में आविष्कारी कदम की कमी है

Claim(s) (1-13) lack(s) inventive step, being obvious in view of teaching (s) of cited document(s) above under reference D1 or D2 or D3 for the following reasons:

The subject matter of claims 1-13 as claimed in instant application does not constitute an invention under section 2(1)(j) of the Patents Act, 1970 (as amended) because it does not involve an inventive step in view of following documents:

D1: US20170257426A1 (Abstract; Para. [0072], [0079], [0088], [0133] - [0135], [0164], [0272]; Figures 15A-21, 33, 38, 39, 53)

D2: US20130041833A1 (Abstract; Para. [0029], [0038], [0049], [0050]-[0058]; Claims 11-27)

D3: M. P. Caro, M. S. Ali, M. Vecchio and R. Giaffreda, "Blockchain-based traceability in Agri-Food supply chain management: A practical implementation," 2018 IoT Vertical and Topical Summit on Agriculture - Tuscany (IOT Tuscany), Tuscany, 2018 (07-06-2018), pp. 1-4. (Whole Document).

With respect to technical subject matter of claims 1 & 5, D1 discloses a a cloud-based system for integration of

agricultural data with geolocation-based agricultural operations which provide assistance to the grower in making decisions about their particular agricultural activities based on the records related to the grower's agricultural production enterprise. It discloses a label checking service can be essentially any entity that provides information and/or recommendations on proper use of agricultural products, such as seed, fertilizer, herbicide, pesticide, and essentially any other type of product. A prescription can be generated for essentially any activity related to the grower's agricultural operations, such as for soil preparation, application of products (fertilizers, pesticides, herbicides, etc.), planting, testing, irrigation, harvesting, among many other activities. All data provided to the AGVERDICT® system can be uploaded to the cloud. It also includes a registration module configured to provide an agricultural enterprise control application and grower on system having all details related to the grower along with his product. (Abstract; Para. [0072], [0079], [0088], [0133] - [0135], [0164], [0272]; Figures 15A-21, 33, 38, 39, 53)

The subject-matter of independent claim 1 differs from D1 in that claims comprise:

sale of the product by the grower / producer / manufacturer, accessing details about the products grown by different farmers and to know availability of the products including and even the authorized retailers accesses the details about the different growers / producers, organic / inorganic products grown by different farmers and also availability of the organic / inorganic products.

However, D2 which relates to a process of electronic management of organic production and certification on cluster basis to facilitate high quality services required for organic compliance of both internal control system and external inspection and certification at single or multiple geographic regions or areas, discloses an e-traceability system is developed to provide a direct linkage between crop production practices of the farmers and the regulatory agencies verifying the authenticity of food. The information about the day to day activities taken up by all the registered farmers in the fields are collected as per the prescribed format by the Cluster In-charges on monthly basis and further uploaded in the website. Such database system provides details of Registration Number of farmers, seeds and planting material used, irrigation and fertilizer schedule and harvesting information. (Abstract; Para. [0029], [0038], [0049], [0050]-[0058]; Claims 11-27)

D3 discloses an AgriBlockIoT, a fully decentralized, block chain-based traceability solution for Agri-Food supply chain management, able to seamlessly integrate IoT devices producing and consuming digital data along the chain. AgriBlockIoT shall provide consumers with complete history of the food he is buying. The only pre-condition is that all the participants (so including the IoT devices) are registered users of the underlying block chain. Consumers are able to transparently verify the whole history of a product before buying it. Smart-tags can be associated to each package, so that consumers can easily retrieve the whole history of the product. (see Page 1 to Page 3).

Hence, claim 1 lacks the inventive step in view of combining the features of D1 with D2 & D3.

Dependent claims 2-4, 6-13 do not contain any features which, in combination with the features of claim to which they refer, meet the requirements of the section 2(1)(j) in respect of inventive step. The features of claims 2-4, 6-13 are merely implementations that a person skilled in the art would consider to be standard practice (or known to him from documents D1 or D2 or D3).

Thus, in the view of features described in D1 and/or with D2 and/or with D3, the subject matter of claims 1-13 is not inventive. At the time of filing of this application, it would be obvious to the person skilled in the art. Hence, as such does not constitute an invention u/s 2(1)(j) of The Patent Act, 1970.

(2).पेटेंट अयोग्यता /NON PATENTABILITY:

(I) निम्नलिखित कारणों से धारा 3 के खंड (K) के प्रावधान के तहत दावा(वे) (1-13) सांविधिक रूप से पेटेंट योग्य नहीं हैं /

Claim(s) (1-13) are statutorily non-patentable under the provision of clause (K) of Section 3 for the following reasons:

Without prejudice to objection U/S 2(1)(j), the subject matter of claims 1-13 as filed in the instant application prima facie falls within the scope of clause (k) of section (3) of the Patents Act, 1970 (as amended). Claims 1-13 is a method/ or apparatus/ or system claim which discloses a process to trace, identify authenticity and availability of products having steps like entering information, generating, uploading, & accessing. These are

nothing but a set of sequences used to implement an algorithm, without disclosing any constructional or structural feature of the said features. Therefore, the invention claimed in said claims is not patentable.

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

(I) सार /Abstract:

Abstract does not sufficiently provide technical information of the invention. The abstract should be prepared as the instructions given in section 10(4)(d) of The Patents Act, 1970 and rule 13(7)(a), 13(7)(b), 13(7)(d) of The Patents Rules, 2003 (as amended).

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

(I) दावा(ते) 1-13 के संबंध में स्पष्ट रूप से परीभाषित नहीं हैं।

Claim(s) 1-13 are not clearly worded in respect of:

1. Principal claim should sufficiently define, characterize and clearly bring out the inventive step as per section 10(5) of the Patent Act 1970 (as amended).
2. The independent claims should be cast in the two-part form where appropriate, with those features known in combination from the prior art being placed in the preamble and the remaining features being included in the characterizing part.
3. The independent claim should specify explicitly all of the essential features needed to define the invention, i.e. it must be so drafted as to include all the technical features of the invention which are essential for the stated technical effect.
4. Claims 1-20 are not in accordance with section 10(4)(c) of The Patents Act, 1970 because the claims are not clear.

The drafting of the claims of the instant application isn't proper as the subject-matter for which protection is sought by the applicant doesn't come out specifically from the statements of the claims. The claims should be drafted such that all the essential features of the alleged invention are there in the independent claim with the additional limiting features/aspects being present in the subsequent dependent claims.

The drafting of dependent claims 2-4 & 6-13 isn't proper w.r.t. the preamble. Claims 2-4 should be suitably modified as "The system to trace, identify authenticity and availability of products" while claims 6-13 should be suitably modified as "The process to trace, identify authenticity and availability of products" for clarity & consistency.

Whenever appropriate, claims shall contain a characterizing portion preceded by the words "characterized in that," "characterized by," or any other words to the same effect-stating concisely the technical features, they are desired to protect.

5. Reference numerals should be supplemented in parenthesis for clear understanding and to enhance the intelligibility of Claims in accordance with the rule 13(4) of The Patents Rules, 2003 and section 10 (4) (c) of the Patents Act 1970 (as amended).
6. If any amendment is necessitated in the complete specification, then it is required to clearly identify (submission of marked copy) the amendments carried out and to indicate the portion (page no and line no) of the complete specification as filed on which these amendments are based on. Further the pages wherever amendments are carried out need to be freshly typed on white pages and to be filed in duplicate.

(5). परिभाषिकता /DEFINITIVENESS:

(I) दावा(ते) 1-13 निम्नलिखित कारणों से आविष्कार को पर्याप्त रूप से परीभाषित नहीं करता(ते) हैं

Claim(s) 1-13 do not sufficiently define the invention for the reasons as follows:

1. The said claim further lacks in proper antecedent bases (a, an, the) for the features of the claims appearing therein. Claims containing terms that are introduced in the claims for the first time should be recited using the indefinite articles “a” or “an” and proper antecedent base(the) for the features of the claims appearing therein.

(6).अन्य आवश्यकताएँ /OTHERS REQUIREMENTS:

(I)

1. The vague and imprecise term ‘spirit’ on the page 32 of the description implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in a lack of clarity of the claims when the description is used to interpret the claims. Therefore, such statement should be amended to remove this inconsistency.

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

आपत्तियां /Objections	टिप्पणी /Remarks
Date and Signature of Applicant	1. A copy of Form 5 shall be submitted containing application number and signed by registered patent agent.
Statement & Under Taking (Form 3 Details)	<ol style="list-style-type: none"> 1. 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 The Patent Act, 1970. 2. 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 office such as USPTO,EPO and JPO etc., 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 Patent Act, 1970.
Form 13	Form 13 dated 27/07/2022 is not allowed because there exists a difference between details of address of service in submitted Form 13 & relevant Form 1. Clarification required.
Format of Specification (rule 13)	<ol style="list-style-type: none"> a. Reference numerals should be inserted in the parentheses of features of claims and abstract for intelligibility of claims as per rule 13 of the Patents Rules, 2003 (as amended). b. The complete specification should be prepared following the margin and other requirements like line numbering etc. as prescribed in rule 9 of the Patents Rules, 2003 (as amended).Further any fee need to be paid for extra pages resulting there in should be paid. c. Date and signature of the applicant or his agent should be mentioned at the end of claims. d. Title of the invention and necessary figure should be indicated in the abstract. The abstract should be prepared as the instructions given in rule 13(7)(b), 13(7)(c) and 13(7)(of the Patents Rules, 2003 (as amended).

Other
Deficiencies

- a. All the submitted documents and forms like PA/GPA etc. have been presumed as originally signed by the authorized signatory under the provisions of the Patents Act, 1970. If not, submit the originally signed copy of the same failing to which the document may not be considered filed.
- b. If any amendment is necessitated in the complete specification then it is required to clearly identify (submission of marked copy) the amendments carried out and to indicate the portion (page no and line no) of the complete specification as filed on which these amendments are based on. Further the pages wherever amendments are carried out need to be freshly typed on white pages and to be filed in duplicate.
- c. 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 .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.
- d. All forms should be filed in proper format as per the second schedule of The Patents Act 1970 (amended 2005). Form-1 and 2 has not been submitted in proper format as per the second schedule of The Patents Act 1970 (amended 2005). Also the forms should be duly updated and filed with names/ signatures/ addresses/ nationality inconsistent and prescribed manner.

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
14 Nov 2019	111068	1-New Application For Patent With Provisional /Complete Specification
14 Nov 2019	111068	FORM 28
04 Jan 2022	870	3-Statement & Undertaking - Form 3
27 Jul 2022	78026	18(iii)-Changing Name/Address/Nationality/Address For Service - Form 13
29 Jul 2022	78778	CONVERSION OF REQUEST FOR EXAMINATION FILED UNDER RULE 24 B FOR EXPEDITED EXAMINATION FORM 18A

नियंत्रक का नाम /Name of the Controller: Vishal Shukla

नियंत्रक स्थान /Controller Location: Delhi

टिप्पणी: परीक्षण रिपोर्ट का उत्तर दाखिल करने की अंतिम तिथि / Note: Last date for filing response to the Examination Report: 01/02/2023