

## **PATENT OFFICE, NEW DELHI**

Patent Application No. **1145/DEL/2001**

Applicant: Corixa Corporation, U.S.A.

Agents: Remfry & Sagar.

### **HEARING U/S 14 of the Patents Act, 1970**

Dated: **05.08.2008**

#### **PRESENT-**

1. Agents' Representatives – Dr. Deepa Tiku (formerly known as *Ms. Deepa Kachroo Tiku* vide relevant Power of Authority dated 16.06.2008) and Mr. Durga Das Bhatla.
2. Examiner: Mrs. Anita Jatav.
3. Controller- Shah Alam, Assistant Controller.

The instant application No. 1145/Del/2001 had been filed as **Divisional Application** of Parent application No. 0518/Del/1998 within the prescribed time. Incidentally the said Parent Application had been abandoned in due course of time. The Abandonment does not have any affect on the priority of the instant divisional application and consequent consideration. During the prosecution of the instant Patent Application the latest Objections were communicated to the applicants through this office's letter of even number dated 21.06.2007. The last date to fulfill all the requirement of the Patents Act 1970 was **21.06.2008**. The prime objection was that the instant application had not been fit to be filed as Divisional application u/s 16 of the Patents Act, 1970 as it had same set of claims as were in the parent application. Consequently applicants had filed their response vide their letter No. DDB/Ivs/IP: 1145/DEL/2001 dated **13.06.2008** along with revised sets of claims dated 21.06.2008 and requested in this context to offer them hearing u/s 14 of The Patents Act, accordingly the hearing had been fixed on 23.07. 2008 but to preoccupation in other official work it has postponed to 05.08.2008 at 3:30 P.M. i.e. today with prior notice to the applicants. The aforesaid representatives are present in the hearing.

During the hearing it has to be seen whether the instant application is maintainable as the Divisional application and it has complied all the requirement of the Patent Act.

At the outset Dr. Deepa Tiku has referred to the applicants's above mentioned Response dated 21.06.2008 and objection raise vide Para 4 of First Examination Report dated 15.09.2000 (photocopy placed with the records of this file) of the parent application No. 0518/Del/1998 and pleaded in view of them that the instant case is maintainable. The said old objection No. 4 had pointed out that there was plurality of the invention. The latest revised claims dated 21.06.2008 have claim number 1 with sequence No.10 and 110 only and all the other sequences given in the claims of the parent application have been omitted by the applicants. In view of these facts the instant divisional application is maintainable and liable to be considered hence the last objections dated **21.06.2007** of the instant divisional application are being taken into consideration. The abovementioned representatives of the Agents of the applicants have filed their Substituted Power of

Authority their names and in view of their written submission they have requested to set aside the above cited objections. The said filed papers have been taken on record.

During the course of hearing the agents have deleted the existing claim Nos. 2,8,10 to 13 leaving only 07 claims. They have commensurately amended existing Claim 3 as well as Form 1 and 2. The title of the patent application has also been suitably amended. They Agents have assured to file duly retyped pages consequent to aforesaid amendments and to submit the requisite soft copy of the listing.

**DECISION and ORDER**

With the said amendments and submissions the above objections have been carried away and the instant case stands in order for grant. The applicants are required to file the retyped pages and the aforesaid soft copy of the listing.

**(SHAH ALAM)**

Assistant Controller of Patents