

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference PT/10/I/497	FOR FURTHER ACTION		See item 4 below
International application No. PCT/IN2005/000160	International filing date (<i>day/month/year</i>) 19 May 2005 (19.05.2005)	Priority date (<i>day/month/year</i>) 10 March 2005 (10.03.2005)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant SMS PHARMACEUTICALS LIMITED			

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 3 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																								
<p>3. This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 5%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 25%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 12 September 2007 (12.09.2007)
Facsimile No. +41 22 338 82 70	Authorized officer <p style="text-align: center; font-size: 1.2em;">Dorothee Mülhausen</p> e-mail: pt01.pct@wipo.int

PATENT COOPERATION TREATY

REC'D 19 SEP 2005
WIPO PCT

To:
VISHWANATH Ramesh B
Bldg # 48 SRT, 1st Floor, Prakash Nagar,
Begumpet,
500 016 Hyderabad
India

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing 14 September 2005 (14.09.2005)
(day/month/year)

Applicant's or agent's file reference
PT/10//497

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IN 2005/000160

International filing date (day/month/year)
29 June 2005 (29.06.2005)

Priority Date (day/month/year)
10 March 2005 (10.03.2005)

International Patent Classification (IPC) or both national classification and IPC
C07H 19/073

Applicant
SMS PHARMACEUTICALS LIMITED

1. This opinion contains indications relating to the following items:

- Cont. No. I Basis of the opinion
- Cont. No. II Priority
- Cont. No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Cont. No. IV Lack of unity of invention
- Cont. No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Cont. No. VI Certain documents cited
- Cont. No. VII Certain defects in the international application
- Cont. No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

<p>Name and mailing address of the ISA/ AT Austrian Patent Office Dresdner Straße 87, A-1200 Vienna Facsimile No. +43 / 1 / 534 24 / 535</p>	<p>Authorized officer BÖHM K. Telephone No. +43 / 1 / 534 24 / 519</p>
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Continuation No. I

Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed.

Continuation No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-14	YES
	Claims ----	NO
Inventive step (IS)	Claims 1-14	YES
	Claims ----	NO
Industrial applicability (IA)	Claims 1-14	YES
	Claims ----	NO

2. Citations and explanations:

The first document cited in the search report relates to an analogous reaction to that of the application. However in that document all benzoyl groups are not substituted and the derivative of formula Vb is reduced by another reducing agent. In addition the derivative of formula VII of the present application has no analogous form in the first document.

The second document describes the preparation of gemcitabine hydrochloride by deblocking the benzoylated gemcitabine, which does not exist in the present application.

The industrial applicability is obviously given.
