



MARS. INCORPORATED GRANTED PATENT

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Indian Patent application number 8498/DELNP/2009 of Mars Incorporated directed to 'A milled cocoa extract comprising cocoa polyphenols, with reduced bitterness and astringency' was objected under Section 3(c) and obviousness rejections. The patent office held that Claim 1 is obvious and to be mere discovery thereby falling within the scope of section 3 (c) of the Patents Act, 1970, as the claims were related to cocoa extract comprising of naturally existing components that is cocoa polyphenols. Anand and Anand argued that invention demonstrated that the claimed milled cocoa extracts exhibit a reduced bitterness by at least 5 times the amount that is considered to be statistically significant. Further, it was demonstrated that the presently claimed milled cocoa extracts exhibit reduced astringency by nearly 7.5 times the amount that is considered to be statistically significant. Such results clearly demonstrate "that the claimed ranges or proportions impart more than a difference in degree to make the claimed subject matter as a whole separately patentable over the prior art and also not within the scope of section 3(c). This is important because regular cocoa extracts are notoriously bitter and thus unpalatable. **Significance:** Claims directed to extracts of naturally occurring plant can be considered not falling with the scope of section 3(c) non patent eligible subject matter. **Team Anand and Anand:** Amita Arora.



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