

Name:	
Enrolment No:	

UPES
End Semester Examination, May 2024

Course: Law of Patents	Semester: II
Program: LL.M. (IPR Specialisation)	Time: 03 hrs
Course Code: CLLT 7003	Max. Marks: 100

Instructions: Answer all the questions.

SECTION A
(5Qx2M=10Marks)

S. No.	Answer the following questions.	Marks	CO
Q 1	What do you understand by the term ‘Infringement’?	2	CO1
Q 2	Define the term ‘Priority Date’ with an example.	2	CO 1
Q 3	Explain the term ‘Conventional Application.’	2	CO 1
Q 4	Enumerate the qualifications necessary to become a Patent Agent under the Patents Act, 1970.	2	CO 1
Q 5	What is limitation period to file an appeal before the Appellate Board?	2	CO 1

SECTION B
(4Qx5M= 20 Marks)

Sl. No.	Answer the following questions.	Marks	CO
Q 6	Differentiate between Surrender and Revocation of Patents.	5	CO 2
Q 7	Elucidate the Discovery Theory of Patents.	5	CO 2
Q 8	Write a concept note on the ‘Doctrine of Pith & Marrow.’	5	CO 2
Q 9	What are not considered as inventions under the Patents Act, 1970?	5	CO 2

SECTION-C
(2Qx10M=20 Marks)

Sl. No.	Answer the following questions.	Marks	CO
Q 10	Discuss in detail the procedural requirements to grant a patent under the Patents Act, 1970 and support your answer with appropriate case laws.	10	CO 3

Q 11	Rohan combines the well-known devices of the telephone and television by which one can not only hear the other person's voice but also see him and claims a patent for his invention. The Controller of Patents refuses to grant the patent on the ground that the device is a combination of well-known devices of telephone and television and lacks inventive ingenuity. Is this correct? Give your views by applying the provisions of the Patents Act, 1970 and support your answer with judicial pronouncements.	10	CO 3
SECTION-D (2Qx25M=50 Marks)			
Sl. No.	Answer the following questions.	Marks	CO
Q 12	<p>SHONSHAH, the Plaintiff has filed this suit against CURUDIT, the defendant for permanent injunction in respect of Sitagliptin Phosphate Monohydrate or any other salt of Sitagliptin in any form, alone or in combination that infringes the claimed Plaintiff's Patent No. 209816. The defendants were selling Sitagliptin Phosphate monohydrate under the brand PITA and Sitagliptin Phosphate Monohydrate and Metformin Hydrochloride under the brand name PITA –ZET.</p> <p>Defendant had filed written statement-cum-counter claim wherein, had prayed for revocation of the suit patent. Defendant has alleged that it does not infringe the suit patent since:</p> <ol style="list-style-type: none"> a. It lacks inventive step. b. Invention claimed lacks industrial applicability within the meaning of section 64(1)(g) of the Act. Invention disclosed was physically and chemically unstable in nature and was incapable of being used in solid dose formulations. c. Disclosure was insufficient within the meaning of Section 64(1)(h) as complete specification was not disclosed regarding the preparation of Sitagliptin base so as to enable a person in India, possessing average skill and knowledge to work the invention. 	25	CO 4

	<p>d. Any claim of the complete specification is not fairly based on the matter disclosed in the specification, thus, violated section 64(1)(i) of the Act.</p> <p>e. Patent was obtained on a false suggestion or representation and was liable to be revoked under Section 64(1) (j) of the Act.</p> <p>f. Applicant failed to comply with Section 8 of the Act resultantly patent is liable to be revoked under Section 64 (1) (m) of the Act.</p> <p>In light of the facts mentioned above and the relevant provisions of the Patents Act, 1970,</p> <p>i. Critically examine the validity of the claims of the plaintiff and support your case with the help of relevant judicial decisions. [10]</p> <p>ii. Give a balanced evaluation as to whether the counterclaims made by the defendant are sustainable or not with the help of relevant judicial pronouncements. [15]</p>		
Q 13	<p>Manav has applied for the grant of a patent for a high-speed labour-saving machine for stitching the soles of shoes. Its merit was that it does this operation at high speed and with unvarying accuracy; so that you can work with those to yield huge output without making waste. The Controller of Patents rejected the application on the following grounds:</p> <p>A. The invention was already in use.</p> <p>B. No patent can be granted for an improvement.</p> <p>Manav appealed the decision of the Controller. Can he succeed? Elucidate your answer with the help of statutory provisions and judicial decisions.</p>	25	CO 4