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UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2017

Program: B.Tech., LL.B. (Hons.) IPR

Subject (Course): Law of Patents

Course Code : LLBL 601

No. of page/s: 2

Semester – IX

Max. Marks : 100

Duration : 3 Hrs

Section A

1. Fill in the blanks and explain the meaning of the following sentences (10 marks)
 - a. The priority date may be no more than _____ months before the filing date.
 - b. According to Section 3(d) of the Patent Act, 1970, the mere discovery of a new form of a known substance which does not result in the enhancement of the known _____ of that substance or the mere discovery of any new property or new _____ for a known substance is not patentable.
 - c. A PCT Application may be filed in the National Office, a Regional Office, or the _____.
 - d. A request for examination may be filed _____ months of priority.

Section B

2. Discuss the various aspects of filing through Patent Cooperation Treaty. (10 marks)
3. What do you understand by Claim construction? What is the Doctrine of Equivalents? (10 marks)

Section C

4. What are the various defenses to infringement of patents? (10 marks)
5. Discuss the various aspects of Computer Related Inventions in India. (10 marks)

Section D

6. Anjali invented a solar energy driven mobile phone battery in May 2015. Anjali mentioned this to her twin sister Pranjali on 2nd June 2015. Pranjali filed a patent application in India on 15th June 2015 a day before Anjali filed her application.

Please discuss:

- i. Whose application is valid? (5 marks)
- ii. What if it was developed independently? (5marks)
- iii. What if Anjali developed the solar energy part and Pranjali applied it to battery technology? (5marks)
- iv. How is the right divided? (5marks)
- v. What will be the procedure of filing? Discuss its various aspects in detail. (20 marks)

PTO

7. Discuss the patentability of the following purported inventions: (10 marks)
- i. Kodi identifies and inserts a gene in a hen which leads to the increase in the output of eggs (sixty luminescent eggs per month).
 - ii. Som develops an android application for assessing the mood of the caller. The app has automated systems for rejecting calls of bad mood callers. It also can recognize cold callers.
 - iii. Kini, a house wife and follower of Baba Ramdev, develops a method of performing yoga that will help astronauts adapt to low gravity environments.
 - iv. Koka Nair inherits traditional knowledge with respect to ayurvedic formulations for improving immunity and promoting healthy living from his ancestors. After researching on the formulations, he isolates active ingredients from three of the formulations and prepares tablets for enhancing immunity.

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Section B

2. What are the various defenses to infringement of patents? (10 marks)
3. Discuss the various aspects of Computer Related Inventions in India. (10 marks)

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4. What do you understand by Claim construction? What is the Doctrine of Equivalents? (10 marks)
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