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NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination November – 2024
Semester: UG – IX Semester (I.P.R. Hons.)
Subject: Patent Specification Drafting and Claim Construction

Marks: 100

Time: Three hours

Instructions:

1. *Students are required to answer any five questions only.*
2. *All questions carry equal marks.*
3. *Use of Bare Act or any other reference material is not permitted.*

Q.1). The Patent Act and the Rules provide for specific guidelines on drafting of the relevant contents of a specification. Highlight the relevant provisions of the Patent Act, 1970 and the relevant rules that guide on drafting the Title, Abstract, Claims and the Description, along with general rules on patent document filing. (Marks: 20)

Q.2). *TechWave Inc.* holds a patent on a specific electronic circuit designed to reduce power consumption in mobile devices. The patent claim includes a requirement for “an insulated copper wire with a thickness of 1.5 mm” as a critical component in the circuit design. However, in a post-examination objection, the examiner cited a prior art reference leading to a rejection. Therefore, *TechWave*, which had initially claimed a thickness range of 1.0–2.0 mm, later amended it to 1.5 mm to overcome the examiner's rejection based on prior art.

Later, *Innovix Corp.* releases a similar circuit that uses an insulated copper wire with a thickness of 1.8 mm. *TechWave* alleges infringement, arguing that *Innovix's* circuit performs the same function as theirs and that the 1.8 mm thickness is equivalent to the 1.5 mm in the patent.

In light of the principles and doctrines applied by the courts in identifying the scope of infringement, decide. (Marks: 20)

Q.3). a). Discuss the provisions of the Indian Patent Act, 1970 relating to publication and examination of patent application while explaining the benefits of publication as enshrined under Section 11A (7) of the Act.

b). Highlight the relevance of claims in a patent specification. While explaining the same, also specify the relevant provisions of the Indian Patent Act, 1970 which mandate the existence of claims in a patent specification. Also discuss the types and categories of claims with the help of examples

(Marks: 10+10=20)

Q.4). What is the relevance of claim construction? Explain how it differs from claim interpretation. Also suggest the evolution of principles of claim construction in context of reliance on intrinsic and extrinsic sources of construction with the help of case laws. (Marks: 20)

Q.5). The inventor of a smart toothbrush intends to apply for a patent for his invention, the description of which is given below. Find the description of the invention below and answer the question accordingly.

Description:

The invention relates to a smart toothbrush designed to improve oral hygiene habits. An illustration of the same has been provided in Fig. 1 given below.



Fig. 1

The toothbrush is an advanced device as compared to the prior art existing with respect to the field of invention. The toothbrush has the essential features of bristles placed on a flat round surface, an elongated extension leading to the holding equipment and a holding equipment with grip and electronic access buttons and indicators placed on the grip.

The invention also has the improved features such as pressure sensitive bristles that can detect the amount of pressure being applied to the teeth and gums. It also has indicator light on the holding equipment that turns red and gives a slight vibration alert to the user to reduce the pressure, in case too much pressure is applied.

A unique feature of the invention relates to its Bluetooth functionality that enables the toothbrush to be connected to a mobile device through a smartphone app. The app provides real-time feedback on brushing habits, such as time spent on each section of the

mouth, pressure applied, and missed areas. The app also records brushing history and gives reminders based on set goals.

Further, the users can adjust the stiffness of the bristles by pressing a button on the holding equipment, which triggers an internal mechanism to make the bristles softer or firmer.

The toothbrush works on a Rechargeable Battery with LED Indicator that shows the battery level in three ranges – full, medium and low. The battery is designed to last up to two weeks on a single charge.

Consider the above description and draft the following essentials of the patent application:

- a). Title of the invention
- b). Minimum 5 claims for the invention.

(Marks: 5 +15 = 20)

Q.6). Write short note on *any two* of the following:

- a). Amendment to patent application, specification and other documents
- b). Concept of Priority Date of Claims
- c). Doctrine of Anticipation
- d). Rule of Claim Differentiation

(Marks: 10+10 = 20)