

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination November - 2024
Semester: PG - LL.M. I Semester (I.P.R.)
Subject: Patent Law

Time: Three hours

Marks: 100

Instructions:

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

Q.1). Discuss the patentability requirements and non-patentability restrictions under the Indian Patent, 1970 while critically analyzing the statement "Anything under the sun is patentable" with the help of relevant case laws.

(Marks: 25)

Q.2). "PharmaInnovate", a pharmaceutical company, applies for a patent in India for a modified version of an existing pain-relief drug, claiming it is more effective than the original compound. However, the only modification is a new salt form of the drug, having longer shelf life and ease of storage.

In the given circumstances, assess whether PharmaInnovate's application would meet the requirements of Section 3(d) of the Indian Patent Act, 1970. Explain the criteria you would use to evaluate the patentability of this modified drug, including how 'enhanced efficacy' is determined. While answering the question, cite relevant case laws highlighting the judicial interpretation of Section 3(d) and the legislative intent behind the provision.

(Marks: 25)

Q.3). "Patents are granted in India to reward innovation and offer the patentee rights over the invention towards ensuring working of the invention. However, the Patent Act, 1970 has a unique structure to incorporate sufficient measures reserved for state intervention to ensure that patents do not serve as an impediment for the state to take necessary measures in light of public interest and public health."

In light of the statement, discuss the relevant provisions of the Act that provide for exceptions and exclusions where necessary measures may be taken by the state to ensure that patent rights are not abused and that the invention is worked.

(Marks: 25)

Q.4). Discuss the procedure for obtaining patent grant in India while highlighting the filing requirements, stages of application process, types of applications and types of specifications under the Patent Act, 1970. Also suggest the relevance of claims in a patent specification.

(Marks: 25)

Q.5). TechGenie Inc. holds a patent on a process for manufacturing a specialized battery component. The initially filed claims of the patentee claimed protection over the use of two Chemical Compounds - Y and Z. During the patent prosecution process, TechGenie

amended its claims to narrow the scope by specifying only one particular chemical compound, 'Compound Z,' to overcome a prior art rejection.

Later, a competitor, PowerSource Ltd., develops a similar manufacturing process using a chemically similar compound, 'Compound Y,' which performs the same function in the process.

TechGenie brings an action of infringement against PowerSource Ltd. alleging that 'Compound Y' is equivalent to 'Compound Z' under the Doctrine of Equivalents. On the other hand, the defendant company pleads specific abandonment of the "Compound Y" by the patentee by way of amendment.

In light of the relevant doctrines and its restricting principles, decide. Cite relevant case laws while answering the question.

(Marks: 25)

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

- a). Types of Claims and the Rules of Claim Dependency
- b). Concept of Priority Date of Claims
- c). Parallel Importation as an exception to infringement
- d). Amendment of Patent application and specification

(Marks: 12.5+12.5 = 25)