

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination, August-December, 2025

Semester: UG – IX Sem (I.P.R. Hons.)

Subject: Patent Specification Drafting and Claim Construction

Time: Three Hours

Marks: 100

Instructions:

1. Attempt any five out of six questions.
2. All questions carry equal marks.
3. Use of any reference material such as Bare Acts is not permitted.

Q.1) Discuss the relevance of a patent specification and its claims during the filing of patent application in India. While answering the question, address the relevant types of specifications, their contents and the rules prescribed for the filing of such contents. Also highlight the differences between the types of specifications.

(Marks: 20)

Q. 2) Jaguar Ltd. owns a patent in India for a “Water-Saving Shower Nozzle.” The key claim element reads as “*A shower nozzle comprising a rubber flow-control ring that regulates water pressure to reduce water consumption.*”

It is pertinent to note that the initial filed claim in the specification read as: “*A shower nozzle comprising a flow-control ring that regulates water pressure to reduce water consumption.*”

However, during the patent prosecution process, at the stage of examination, the Patent Office issued a Statement of Objection citing that the claim was too broad and lacked clarity on the nature of flow control ring. To overcome the objection, Jaguar Ltd. amended the claim by changing “flow-control ring” to “rubber flow-control ring,” and argued that rubber specifically provides flexibility that enables precise pressure regulation. It was on the amended version of the claim that the patent office approved the grant of patent.

A competitor, CERA Sanitary Ltd., releases a shower nozzle that uses a silicone flow-control ring. The silicone ring performs the same pressure-regulation function, in a similar manner, and offers the same water-saving benefits as the rubber ring.

Jaguar Ltd. brings an action of infringement of its patent against CERA Sanitary Ltd. claiming infringement on the basis of Doctrine of Equivalents. In view of the given facts, answer the following questions:

- a). Explain the nature of amendments permissible under the Patent Act, 1970 and their impact on claim construction.
- b). Explain the doctrine of equivalents and suggest if the rule of prosecution history estoppel can be availed as a defence by the defendant in the given case. Cite relevant cases.

(Marks: 10 +10 = 20)

Q.3) Explain the principles of claim construction established in *Phillips v. AWH Corporation* case and critically evaluate how these principles guide courts in interpreting disputed claim terms. While answering the question, highlight the relevance of 'hierarchy of evidences' in claim construction exercise. Cite relevant case laws.

(Marks: 20)

Q.4) "Patent specification analysis requires a layered approach—reading the document technically, interpreting it legally, and assessing it strategically. It balances technical comprehension, statutory compliance, and judicial interpretation principles to define the real boundaries of the patentee's rights."

In view of the above given statement, highlight the relevance and purpose of patent specification analysis and list the nature of analysis that may be required at different stages and by whom.

(Marks: 20)

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

Description:

The present invention relates to a spill-proof drinking cup designed specifically for infants and young children who are still developing motor control and often drop or tilt containers while drinking. The invention aims to provide a safe, hygienic, and mess-free drinking experience by preventing accidental spillage of liquids, whether the cup is tipped sideways, shaken vigorously, or turned completely upside down.

The cup comprises a main container body made of lightweight, BPA-free, child-safe plastic. The body is generally cylindrical but slightly tapered towards the bottom to provide enhanced grip and stability. The base of the cup is broader than the opening at the top, reducing the likelihood of accidental tipping when placed on flat surfaces. A measurement scale is integrally marked on the outer surface of the cup to help caregivers monitor the quantity of liquid being consumed.

Attached to the cup body are two ergonomic side handles, symmetrically placed to allow the child to hold the cup with either hand or with both hands simultaneously. The handles are shaped with gentle curves to accommodate small fingers and are detachable, enabling parents to remove them when the child grows older and no longer requires additional grip support.

The cup features a secure twist-lock lid that fits tightly on the upper rim of the container. The lid incorporates a soft silicone spout designed to be gentle on a child's gums and emerging teeth. The spout includes a small outlet through which the liquid is intended to pass.

A key functional component of the invention is the spill-prevention mechanism housed within the lid. This mechanism consists of a one-way flexible silicone valve, positioned directly below the spout outlet. The valve comprises a thin, resilient flap that normally rests in a closed position, sealing the liquid inside the cup. When the child applies suction or gentle pressure on the spout, the flap momentarily lifts to allow liquid to flow out in a controlled manner. As soon as suction stops, the flap automatically returns to its closed position, thereby preventing leakage when the cup is inverted or dropped.

The lid also includes small air-vent channels to ensure smooth flow of liquid without causing vacuum blockage, while still maintaining spill resistance.

Overall, the invention provides a child-friendly, durable, and highly reliable spill-proof drinking solution, enhancing convenience for caregivers and supporting independent drinking habits for young children. The components are easy to assemble, disassemble, and clean, making the product suitable for daily use.



Fig. 1

Consider the above description and draft a suitable title of the invention and a minimum of 5 claims for the invention. (Identify the parts of claim in the first claim).

(Marks: 20)

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

- a). Concept of Divisional Applications under the Indian Patent Act, 1970
- b). Unity of Inventions
- c). Types of Claims
- d). Anticipation of applications and its exceptions

(Marks: 10+10=20)