NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination, August – December, 2025
Semester: UG – VII Sem (I.P.R. Hons.)
Subject: Patent Law and Practice

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) GreenFarm Technologies invents a new device and files a patent application for the same in India as an ordinary application titled as "Device for watering indoor plants automatically using a Moisture Sensor". The applicant files his application, along with the Complete Specification in India on 1st May, 2025.

During examination, the Examiners report highlights two prior art documents that recite the invention and its features. On the basis of the same, the controller issues the Statement of Objection citing the following prior art references, holding that the invention lacks novelty:

a. A research article printed in a Science and Technology Journal published by an the Institute of Technology in 2023 describing a similar plant watering device with the use of moisture sensor.

b. A YouTube Video uploaded in the year 2022 showing a demonstration of an identical device.

In the given situation, assess whether the invention claimed in the application and Complete specification lacks novelty. Cite relevant provisions of the Patent Act, 1970, IPO Guidelines and relevant case laws in support of your answer.

(Marks: 20)

Q. 2) The Patent Act, 1970 provides an opportunity to challenge the patent grant before as well as after the grant of patent. Highlight the relevant provisions of the Act providing for such opportunities and explain the differences between the said options. Also, suggest whether the multiple options available to challenge a patent after the grant can be availed together. Cite relevant case law while answering the question.

(Marks: 20)

Q.3) Elli Lilly Pharma Co. obtains marketing approval in India for a new drug "Glucosamine" used for maintenance of Type I Diabetes. For obtaining the marketing approval, it files an application with the Drug Controller of India, supported by extensive clinical trial data and obtains the marketing approval. Elli Lilly also obtains a patent over the said drug in India.

A year after the grant of patent to Elli Lilly, another generic pharmaceutical company named Cipla Ltd., starts undertaking laboratory testing and experimentation over the patented drug for bioequivalence studies with respect to the same active ingredient in the patented drug "Glucosamine". Cipla Ltd. claims to be undertaking tests for the purpose

of development and submission of data to regulatory authorities for seeking marketing approval of the generic version of the patented drug and to launch the same once the patent held by Elli Lilly expires. Cipla Ltd. also relies on the regulatory pathway that allows them to access and use Elli Lilly's clinical trial data for assessment.

Elli Lilly Pharma Co. files an infringement action against Cipla Ltd. & the Controller of Drugs and Cosmetics and claims the following reliefs:
a). An injunction restraining the defendant company Cipla Ltd. from making or using the patented drug for the purpose of undertaking any activity related to a future commercial objective of launching a competing product.
b). An injunction restraining the Drug Controller from allowing Cipla to access their clinical trial data submitted for the purpose of regulatory approval.

In view of the given situation, decide whether the acts committed by Cipla Ltd. amount to infringement of patent held by Elli Lilly and whether India provides for the protection of clinical test data, as claimed by the Plaintiff. While suggesting the outcome of the dispute, cite relevant provisions of the Patent Act, 1970, the TRIPs Agreement (if any) and cases.

(Marks: 20)

Q.4) a). Discuss the relevant provisions providing for amendment of patent applications, specification and related documents as provided under the Patent Act, 1970 while highlighting the nature of permissible and impermissible amendments as well as the authorities by whom amendment may be permitted.

b). The Patent Act, 1970 excludes "public experimental use" from circumstances leading to a finding of anticipation of a patent application. Explain the exception with the help of case laws.

(Marks: 10 + 10 = 20)

Q.5) "Sun Pharmaceuticals" files a patent application in India for a modified form of an existing anti-viral drug. The modification involves creating a new crystalline form (polymorph) of the known compound, which the company claims has improved stability and better solubility.
During examination, the Patent Office raises an objection under Section 3(d) of the Patents Act, stating that the new form is merely a "new form of a known substance" and is not patentable under the said provision.
In light of the legal provisions, judicial determinations and the Indian Patent Office's guidelines, discuss whether the claimed invention is patentable in India.

(Marks: 20)

Q.6) Write short notes on *any two* of the following:
a. Patentability of Inventions related to atomic energy
b. Assessment of Priority Date
c. Government Use of Invention
d. Concept of Unity of Invention

(Marks: 10+10=20)