

The Patents Act, 1970
Qualifying Examination under Section 126 of the Patents Act, 1970
(As amended and updated)
Drafting and interpretation of Patent specification and other Documents.
(All questions are to be answered)
(Marks of each question are indicated at the end of the question)

NOVEMBER, 2001

Paper – II

Time – 2 ½ Hours

Total Marks – 100

Q. 1. Answer any 5(five) questions (each question carries equal marks)

- a) Your client informs you that he has received a notice of infringement from Mr. A with respect to an Indian Patent granted recently. He also informs you that he is working the invention claimed in the said specification for the last 20 years. Advise your client about the steps he should take now against the said notice.
- b) Your client's application for Patent has been accepted by the Controller and is likely to be notified in the Official Gazette very soon. Write an intimation letter to your client with the information about various proceedings he may encounter before the grant of the Patent.
- c) Your client, a pharmaceutical company from Hyderabad informs you about their desire to file an application for Patent under Section 5 (2) of the Patents (Amendment) Act, 1999 and then wait for processing of the same till 31.12. 2004. Advise your client about the procedure/ steps to be followed.
- d) Your associate from Japan informs you that their client is interested in filing a national phase application for Patent under PCT based on their international application with search report. Advise your associate regarding requirements of the Patent Office as designated office and documents you require to file National Phase Application for Patent in India.
- e) Your client M/s. ABC a partnership firm whose partners are Mr. P, Mr. Q and Mr. R, 25, Cross Road, Kolkata – 700 025, informs you that their competitor M/s. XYZ' application for Patent has been notified as accepted under patent specification number 185278 in the Gazette Dated 27th October, 2001 and they wish to file opposition to grant of Patent. Advise you client regarding the time period and grounds on which a notice could be given to the controller for opposition to the grant of the Patent.

- f) Your client from Germany M/s. DEF wishes to file an application for Patent in India and requests you to draft an assignment of invention from inventor Mr. John Aggrad. Furnish a draft with imaginary address, title, witnesses, etc.
- g) You have received the first examination report (FER) of the application for Patent filed for your client. The objections indicate "distinct inventions". Advise your client how his inventions could be protected filing divisional application for Patents.

(55)

Q.2. Your foreign client Mr. U is the Patentee with respect to Indian Patent Specification number 186172 dated 25.01.1997 is interested to grant a license to M/s. BEST, and Indian Company, provides you the following particulars to draft a license agreement for you client.

- a) Patentee : Mr. U, 25, Cross, 10th Street, Geneva, Switzerland, A Swiss National,
- b) Licensee : M/s. BEST, an Indian Company 25th Industrial Estate, Andheri, Mumbai, Maharashtra, India
- c) Title of the Invention : Rubber Mixing Mill
- d) Nature of the License : Exclusive License
- e) Licensee shall pay a royalty of 4% on the net ex-factory price.
- f) The Licensee shall maintain monthly account of the production and sell made by them and furnish a half yearly statement of the account to patentee.
- g) Condition for settlement of disputes as you deem fit.
- h) Any other condition that you think should be incorporated to protect the interest of the patentee.

(15)

Q. 3. Your client M/S XYZ Ltd., 47, South Avenue, London 2, United Kingdom, a U.K. Company furnishes following information:

" Our R&D unit has developed a new method for preparing a relatively insoluble salt of penicillin. The product finds an application in providing an injectable suspension of the salt of penicillin in a suitable vehicle capable of prolonging the therapeutic effectiveness of penicillin. The term "penicillin" is not limited to only penicillin but its derivatives also such as penicillin X, K, F, G etc.

The novelty of the invention lies in the use of 2-chloroprocaine base salt reacted with the penicillin to get the desired product.

The product is represented by the formula: -



A specimen example of the process is given below but the invention is not limited to that only.

Example: A solution of benzyl penicillin in acidic form (35 gm) in amyl acetate is added slowly and with vigorous stirring to 500ml of cold solution of amyl acetate having dissolved therein about 32 g of 2-chloroprocaine. Upon addition of the 2-chloroprocaine solution white crystals of the 2-chloropropane salt of benzyl penicillin separate. The crystals are separated by filtration, washed with acetone and dried in vacuum.

The 2-chloroprocaine salt of penicillin prepared above displays extreme low solubility in water and common organic solvents for example, the water solubility of the 2-chloroprocaine salt of benzyl penicillin is approximately 0.25% (weight-volume) at 29°C.

For therapeutic purpose the 2-chloroprocaine salt of penicillin is to be administered intramuscularly as a finely divided suspension of the salt in liquid vehicle. Vehicles are water, vegetable oils such as cottonseed oil, sesame oil etc.

All the above relevant features of the invention stated should be protected by patent in a single application”.

Draft a complete specification for an application for patent for the above said invention to be filed in India.

OR

Your client M/S ABZ Incorporated, 43rd Street Indianapolis, 70105 USA, a US company furnishes following information.

“ Our company has invented a new stirring device to be used in a continuous casting plant for stirring a molten casting sump in the region of the mould out let. It is known to stir the molten casting sump during continuous casting inside the mold itself or along a secondary cooling zone using electro magnetic forces.

The electro magnetic field has to penetrate the mold wall, which is usually made of copper. In addition the magnetic field also has to pass through a cooling water gap and boundary walls for the cooling water gap and for the stirrer housing, which results in high electrical consumption and correspondingly high operating costs.

This invented device dispenses with the above disadvantage. The stirring device as per the invention allows stirrers with low electrical consumption with high stirring efficiency.

The inventive device is illustrated in figure 1 of the drawing in which:

Reference letters represent as under:

1. oscillating mould.
2. Molten steel stream.
3. Partially hardened casting to be withdrawn at the lower end of the mould.

4. support for mould (1)
5. guide member of support (4)
6. supporting surface of the stirring device
7. oscillating mould table.
8. stirring device of the invention
9. mould cavity adjoining the stirring device (8).
10. centering device for mould table (7).

The specialty of the invention lies with the fact that the stirring device (8) is separated from mould (1) and is held in position independently of the mould in the guide member (5) of the mould table (7) by means of centering device (10). The stirrer (8) comprises stirrer coils, which is designed for a three-phase main frequency. The stirrer coils usually produce a field of rotation transverse to the casing direction downward which field of rotation causes the molten casting sump to rotate.”

Draft a complete specification, for your client including statement of claims (drawing enclosed).

(30)

(TOTAL PAGES – 5, INCLUDING THE DRAWING)

(End)

Fig. 1.

