

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, 2002

Paper – II

Time – 2 ½ Hours

Total Marks – 100

Q1. Answer any 5 (five) questions (each question carries equal marks)

- a) 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.
- b) Your client, a pharmaceutical company from Mumbai who have filed an application for Patent under Section 5 (2) of the Patents (Amendment) Act, 1999 is now interested in filing an application for grant of EMR. Advise your client about the requirements for filing an application for the same.
- c) Your associate from Canada informs you that their client is interested in filing a convention application for Patent in India. Advise your associate regarding requirements of the Patent Office for filing the same in India.
- d) Your client M/s. A3 a partnership firm whose partners are Mr. Amar, Mr. Akbar and Mr. Anthony, 75, ring road, Delhi informs you that they are interested in filing an international application for patent under PCT with the priority of their ordinary application for patent filed at the Patent Office Branch, Delhi (795/Del/2001 dt 30.11.2001). Advise you client regarding the time period, various fees, necessary documents and other requirements under PCT for filing the same.
- e) Your client "MOCA INCORPORATED" a corporation and existing under the Laws of the state of Minnesota, USA, of 251 Outer Road, Minneapolis, Minnesota 777, USA requests you to send Power of Authority (under the Patents Act,1970) for his authorization on your name. Write the format you may send to your client.
- f) You have received a letter from the Patent Office imposing "secrecy" under section 35 of the Act on the application for patent filed for your client. Write a letter to your client explaining the consequences thereof and further actions which you are likely to take on the same.

Q2. Your foreign client Mr. BPM is the Patentee with respect to Indian Patent Specification number 186525 dated 22.09.2001 is interested to grant a license to M/s. HOC, and Indian Company, provides you the following particulars to draft a license agreement for you client.

- a) Patentee : Mr. BPM, 22, East Street, Hague, The Netherland, A Netherland national,
- b) Licensee : M/s. HOC, an Indian Company 25th Kamani Estate, Aundh, Pune, Maharashtra, India
- c) Title of the Invention : A Pump Dispenser
- d) Nature of the License : Non Exclusive License
- e) Licensee shall pay a royalty of 2% 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.

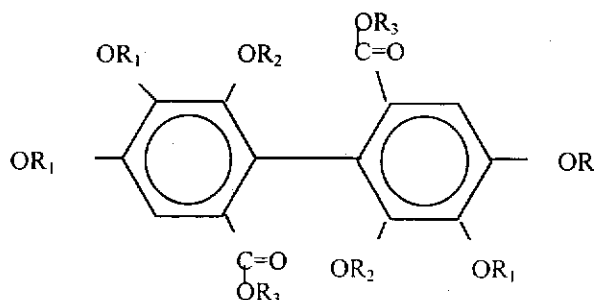
(15)

Q3. Your client M/S Hoechst Pharmaceuticals Ltd. of 193, Backbay Reclamation, Nariman Point, Mumbai-21, an Indian company, furnishes the following information :

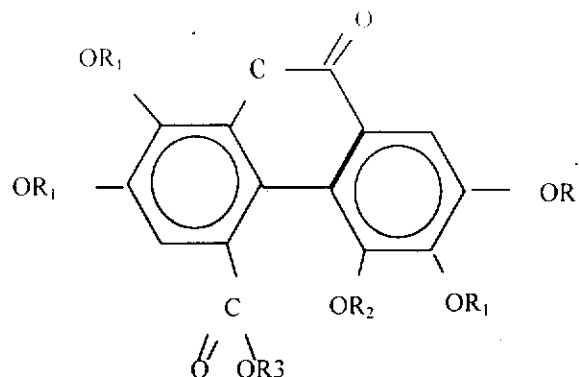
Our R & D unit has developed a new process for the preparation of an active substance having a medicinal properties from plants belonging to the Melastomataceae family. The product displays medicinal properties in particular antiallergic and bronchospasmolytic properties.

The active substance of the present invention is from plants belonging to Melastomataceae family in particular from plants belonging to genera Melastoma, Osbeckia and Oxyspora , which are particularly found in India.

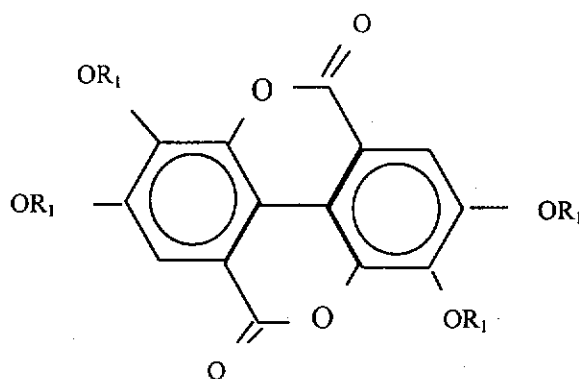
The active substance has the structure of the formula Ia ,Ib or Ic as shown below, where in R₁, R₂ and R₃ may be identical or different and stands for hydrogen or a cation.



Formula Ia



Formula Ib



Formula Ic

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

Example:

Dried and powdered shoots of *Osbeckia stellata* var. *crinita* (5kgs.) were extracted with water (20 lts.) at 60-70⁰ C for 5 hours and the aqueous extract was filtered. The residue was similarly extracted two more times with 15 litres of water each time. The combined aqueous extracts were concentrated in vacuum at 60-70⁰ C and then freeze dried to give the active substance in the form of a brown powder (327 gms.).

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

Draft a complete specification for the process of above said invention to be filed in India.

OR

Your client M/S Hero Cycle , 55 , Cross road , Ludhiana , an Indian company furnishes the following informations :

Our company has invented an improved method for joining of metallic elements and more particularly joining of tubular elements for bicycle frame

The conventional method of assembling a frame for bicycle comprises the steps of locating various tubular elements in suitable shaped lugs and

subsequently joining one to others by brazing or similar means. But actually it was noticed that it resulted in a comparatively weak joint since the brazing extends over only small area of the tube end section.

The present invention is an improved method of joining, comprises a plug of sintered porous material impregnated with a suitable solder or other fusible soldering medium, the said plug being adopted intimately to engage the appropriate complimentary surfaces of the members to be joined, the application of heat to the region of joint serving to cause the medium to fuse, the medium upon subsequent cooling, serving to join the plug to the said members. The invention also includes a cycle frame constructed in accordance with the improved method as said above.

Fig 1 shows the horizontal cross section of one embodiment of present invention.

Fig 2 is a vertical section along the line II - II of Fig 1. Reference letters represent as under :

11 and 12 are tubular members,

13 is a plug.

11a and 13a are the end faces of tubular member 11 and the plug 13.

The speciality of the invention lies with the fact that the plug of sintered iron impregnated with brass is cylindrical and the length of the same is such that it will allow the adequate penetration into each tubular member, thus to give joining over an adequate surface area.

Draft a complete specification for your client including statement of claims.

Drawing enclosed

{Total pages - 5 (4+1)}

(End)

