

JAYPEE UNIVERSITY OF INFORMATION TECHNOLOGY, WAKNAGHAT
TEST -1 EXAMINATION- 2024
M.Tech-I Semester (BT&BI)

COURSE CODE (CREDITS) :18M11BT114

MAX. MARKS: 15

COURSE NAME: PATENTING IN BIOTECHNOLOGY

COURSE INSTRUCTORS: Dr. GOPAL SINGH BISHT

MAX. TIME: 1 Hour

Note: (a) All questions are compulsory.

(b) Marks are indicated against each question in square brackets.

(c) The candidate is allowed to make Suitable numeric assumptions wherever required for solving problems

Q1. Answer the following questions.

- a) What would be the reasons for inventor to file a request for early publication?[1]
- b) Given the patent claim "A device comprising: a housing, a battery, and a control unit," identify whether this claim might be considered too broad or too narrow under the Indian Patent Act. Justify your answer.[2.5]
- c) Analyze how the Indian Patent Office's handling of PCT applications may differ from that of national patent applications. What are the key differences in examination and procedural aspects? [2.5]
- d) Develop a strategy for a company that wishes to license its patent to multiple parties in different regions. Outline how the licensing agreements should be structured to address potential issues such as territorial rights, exclusivity, and royalties. [5]

Q2. Study the case given below and then answer the following questions. [4]

1) Mr. Y filed a patent application on 24.03.2020 upon which a patent was granted. The fact of grant of patent was published in the Official Journal on 03.01.2023. Mr. Y develops a further improvement of the said invention. Upon conducting a patent and non-patent literature search, Mr. Y finds out that the 'improvement' is novel as compared to his own patent. However, the 'improvement' was disclosed in someone else's patent application which was published on 23.01.2023. Is Mr. Y in a position to file the application for patent of addition on 04.01.2024? Comment on it. [2]

2) A patent application was filed by a Company X on 01.01.2021 and was published in the Patent Office Journal on 01.07.2022. The first statement of objections was issued by the Patent Office on 03.08.2022 and the applicant filed a response complying with all the objections on 05.10.2022. On 10.10.2022, the applicant noticed that a competitor, company B, is selling a product which utilizes the applicant's invention that was disclosed in the patent application. Explore all the possibilities for inventor regarding damages [2]