

JAYPEE UNIVERSITY OF INFORMATION TECHNOLOGY, WAKNAGHAT

TEST -3 EXAMINATION- 2024

M.Tech-I/Ph. D. Semester (BT)

COURSE CODE (CREDITS):18M11BT114 (3)

MAX. MARKS: 35

COURSE NAME: Patenting in Biotechnology

COURSE INSTRUCTORS: Prof. Gopal S Bisht

MAX. TIME: 2 Hour

Note: (a) All questions are compulsory.

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

Q.No	Question	Marks
Q1	<p>Study the following cases and answer the following question based on Indian Patent Act 1970</p> <p>Case -1 XYZ Pharma Ltd., a domestic pharmaceutical company, has applied for a compulsory license under Section 84 of the Indian Patent Act to manufacture and sell "A-Cure," a life-saving drug patented by Global Health Inc. The drug is used for treating a rare disease that affects over 1 million people in India. XYZ Pharma claims: 1) The patented drug is not reasonably available to the public at an affordable price. 2) The drug has not been adequately worked in the territory of India. 3) The requirements of the public for the drug are not being met.</p> <p>a) Is XYZ Pharma eligible to file an application under Section 84? b) What criteria should the Controller consider while examining the application? c) What might be the outcome of this application?</p> <p>Case -2 An applicant files a patent for a device that claims to generate electricity using wind power. However, it is discovered that the device design was disclosed at a public exhibition two months before the patent application was filed. The applicant claims that the disclosure at the exhibition should not count as prior art because it was intended to showcase their innovation, not to make it public domain.</p> <p>a) Explain how Section 29 of the Indian Patent Act applies to disclosures made in exhibitions. b) How can the applicant prove that Section 29 applies to their case? c) Design a guideline for innovators to ensure their public disclosures do not affect their patent rights.</p>	6
Q2	<p>a) Design a decision-making framework for the government to assess whether a patent should be revoked under Sections 65 or 66.</p> <p>b) Explain how Section 64 differs from Sections 65 and 66 in revoking patents.</p>	3 2

Q3.	<p>a) ABC Pharma patented a drug under Section 43. A university researcher uses the drug for non-commercial educational experiments without the company's permission. ABC Pharma claims infringement. Is ABC pharma claim is valid. Comment.</p> <p>b) Explain the concept of a "Patent of Addition" under Section 44.</p> <p>c) Explain doctrine of equivalents</p>	<p>2</p> <p>2</p> <p>2</p>
Q4	<p>Evaluate the strength of the following biotech patent claims: What are the possible weaknesses in the claim given below, and how could it be improved?</p> <p>a) A genetically engineered plant resistant to drought conditions."</p> <p>b) "A car that runs on electricity." What potential weaknesses can you identify in this claim?</p>	4
Q5.	<p>Answer the following questions.</p> <p>a) X and Y are co-inventors of a sensor device. Later, X files an application for a patent in his own name. Y comes to know about this fact from the journal of patent office. What action Y can take to redress this injustice inflicted upon him by X</p> <p>b) Compare and contrast between exclusive license, sole license, and non-exclusive license.</p> <p>c) Describe the steps in patent prosecution.</p> <p>d) Explain passing OFF.</p>	<p>3</p> <p>2</p> <p>2</p> <p>1</p>

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