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UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, May 2018

Program: B.Tech. (ET), LL.B. (Hons.) IPR

Semester – X

Subject (Course): Patent Drafting & Specification Writing

Max. Marks : 100

Course Code : LLBL 524

Duration : 3 Hrs

No. of page/s:

Section A

1. Fill in the blanks with the correct punctuation (Please write the punctuation neatly and clearly.
Any answer which is cut and re-written will be marked 0) (5 marks)
 - a. An apparatus_____ comprising_____
a plurality of printed pages_____
a binding configured to hold the printed pages together_____ and
a cover attached to the binding_____
2. State true or false (5 marks)
 - a. The object of a claim may be included in the preamble of the claim.
 - b. ‘Consisting of’ is an open ended transitional phrase.
 - c. A dependent claim may be based upon another dependent claim.
 - d. Improvement claims are also known as Jepson type claims.
 - e. A ‘product-by-process’ claim is also known as a Swiss type claim.

Section B

3. “It is a fundamental principle of patent law that the time as of which we determine the meaning of claim terms varies depending on what legal rule is at issue... An equally fundamental principle of patent law is that patent claims must be construed as an integrated whole... Under this principle, patent claim terms have a single definite meaning... These two principles contradict each other.”
 - a. In the light of the passage above, please discuss briefly the various aspects of the contradiction involved. (10 marks)
 - b. Comment on the possible resolution of this contradiction. (10 marks)

Section C

4. Discuss the following in brief:
 - a. The old English rule on interpretation of patent claims. (4 marks)
 - b. The change in the approach brought about by Catnic Components Ltd. v. Hill & Smith Ltd., [1982] R.P.C. 183 and the European Patent Convention (4 marks)
 - c. The meaning of the Court in the following lines in the case of Kirin-Amgen Inc v Hoechst Marion Roussel Ltd, [2004] UKHL 46: ““‘Purposive construction’ does not mean that one

is extending or going beyond the definition of the technical matter for which the patentee seeks protection in the claims. The question is always what the person skilled in the art would have understood the patentee to be using the language of the claim to mean”

(4 marks)

- d. Questions laid down by the court in *Improver Corporation v Remington Consumer Product Limited* [1990] F.S.R. 181 (8 marks)

Section D

5. Understand the inventive concept involved in the example below and draft the following:
- a. Field of the Invention and use of Invention (5 marks)
 - b. Prior Art and problem to be solved (5 marks)
 - c. Objects of the Invention (5 marks)
 - d. Detailed Description of the Invention (15 marks)
 - e. Claims (a maximum of 5) (20 marks)

A sign projector for bike riders

Bicycle riders need better safety. This device allows signs to be projected upon the back of the rider, signaling safety messages to the automobile drivers behind, as shown in the picture. Regular bicycles are prior art. Claim the inventive concept involved. You may add common sense features that enable this invention to work, but you may not add any features that change the very inventive concept involved and turn it into an invention which is different from what is shown below.



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Section A

1. State true or false (5 marks)
 - a. A 'product-by-process' claim is also known as a Swiss type claim.
 - b. A dependent claim may be based upon another dependent claim.
 - c. The object of a claim may be included in the preamble of the claim.
 - d. Improvement claims are also known as Jepson type claims.
 - e. 'Consisting of' is an open ended transitional phrase.
2. Fill in the blanks with the correct punctuation (Please write the punctuation neatly and clearly. Any answer which is cut and re-written will be marked 0) (5 marks)
 - a. An apparatus_____ comprising _____
a plurality of printed pages _____
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 - d. Questions laid down by the court in Improver Corporation v Remington Consumer Product Limited [1990] F.S.R. 181 (8 marks)

Section C

4. “It is a fundamental principle of patent law that the time as of which we determine the meaning of claim terms varies depending on what legal rule is at issue... An equally fundamental principle of

patent law is that patent claims must be construed as an integrated whole... Under this principle, patent claim terms have a single definite meaning... These two principles contradict each other.”

- e. In the light of the passage above, please discuss briefly the various aspects of the contradiction involved. (10 marks)
- f. Comment on the possible resolution of this contradiction. (10 marks)

Section D

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 - h. Objects of the Invention (5 marks)
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