

**NALSAR PROXIMATE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD
P.G.DIPLOMA IN PATENTS LAW**

2005-06

**Paper IV - Practical
(Abuse of Patents)**

Time: 2 ½ hours.

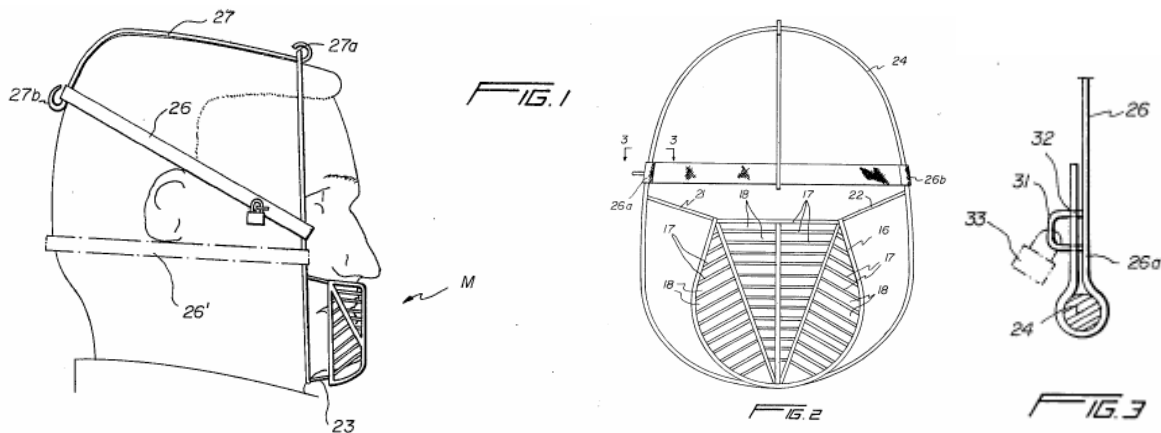
Full marks: 60.

INSTRUCTIONS TO CANDIDATES

- 1. The questions to be interpreted as given and no clarification can be sought from the invigilator.**
- 2. The Figures in the question paper can be detached and used for your illustration of the Patent Draft.**

You are required to attempt all Questions.

1. What are the types of Infringement in Patents? Discuss the Doctrine of Equivalents with suitable case illustrations. **(2+3)**
2. What is a patent equivalent? What is the need of an equivalent? **(2+2)**
3. Write short notes on (any four) –
 - a. *Pfizer vs. Ranbaxy* (Lipitor)
 - b. Patent Term Extension
 - c. Markush Structures
 - d. ANDA and Certifications
 - e. Double Patenting**(4X4)**
4. Lucy M Barmby has approached you with the following figures and write up of her invention. Study the data that is provided and answer the questions that follow:



An anti-eating face mask which includes a cup-shaped member conforming to the shape of the mouth and chin area of the user, together with a hoop member and straps detachably engageable with a user's head for mounting the cup-shaped member in overlying relationship with the user's mouth and chin area under the nose thereby preventing the ingestion of food by the user.

List of Figures –

FIG. 1 is a profile view of a user's head showing the anti-eating face mask of the invention in an installed position;

FIG. 2 is an enlarged front view of the face mask of FIG. 1; and

FIG. 3 is an enlarged sectional view taken substantially along 3--3 of FIG. 2 in the direction of the arrows.

Referring now to the drawings there is shown the anti-eating face mask of the invention which is designated generally by the letter M. The face mask M is shown in the installed position on the face of a user's head in FIG. 1 and includes a cup-shaped member 16 of rigid material such as wire or the like which conforms generally to the mouth and chin area of a user's face below the nose. In the illustrated embodiment, the cup-shaped member 16 is formed from a plurality of wires 17 which are arranged as shown best in FIG. 2 in a unitary construction to define openings 18 there between. The openings 18 are of a size to permit speech plus, at the same time, prevent the ingress of food into the mouth of the user.

Means engagable with the user's head are provided on the mask M for detachably mounting the cup-shaped member 16 in overlying relationship with the user's mouth and chin area. More specifically, the cup-shaped member 16 is secured by means of rods or wires 21-23 to a hoop member 24 which is arranged to encircle the user's head extending around the top of the head, the side areas of the face and under the chin. Rods 21, 22 extend outwardly on opposite sides of the cup-shaped member 16 and are attached at the outer ends to the hoop member 24, rod 23 extending between the bottom of the cup-shaped member 16 to the lower portion of the hoop member 24, as shown in FIG. 1, thereby providing a rigid construction comprising the hoop member 24 and the cup-shaped member 16.

The mounting means of the invention also includes a flexible strap 26 having end portions 26a, 26b attached to the hoop member 24. The mounting means also include a strap member 27 connected at one end 27a to the top of the hoop member 24 and at the other end 27b to the flexible strap 26 intermediate the ends 26a, 26b. In the illustrated embodiment, both straps 26, 27 are preferably formed from leather. The end 26b of flexible strap 26 may be attached in any suitable manner permanently to the hoop member 24 as shown in FIG. 2 and the other end portion 26a of the strap 26 is preferably releasably attached to the hoop member 24 as shown best in FIG. 3.

As shown in FIG. 3, the end portion 26a of strap 26 is provided with a staple 31 suitably secured thereto and a slotted aperture 32, longitudinally spaced from the staple 31, for accommodating the staple 31. Thus, the strap end portion 26a is arranged to be formed into a loop around the hoop member 24 and the staple 31 inserted into the slotted aperture 32 so as to extend outwardly from the strap end portion 26a. In the preferred embodiment, locking means are included with the mounting means of the invention which includes any conventional lock 33 of the type using a key which lock is engageable with the staple 31 in the position shown in FIG. 3 so as to lock the end portion 26a of the strap 26 on the hoop 24 preventing its removal. However, under emergency conditions, the strap 26 may be cut and the face mask M of the invention removed.

In the illustrated embodiment, the strap 26 is shown extending over the user's ear but it should be understood that, if desired, the strap 26 may be positioned below the user's ear as shown in broken lines and as indicated by the reference numeral 26'. The strap member 27 is extended in length accordingly to connect the end 27b with the strap 26'.

- a) ***Does Lucy have an invention?***
- b) ***Can she get a patent entitled "Anti-eating Face Mask"? What are your suggestions on protecting the brand name "Anti-eating Face Mask"?***
- c) ***Discuss the novelty, non-obviousness and utility of proposed invention's claims.***
- d) ***Will you advice the client to file a patent application? Why?***
- e) ***Draft a set of claims for the proposed patent application.***

(2+6+9+3+15)
