

**DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD**

Advanced Diploma in Patents Law

P.G. Diploma in Patents Law

Academic Year: 2022-2023

Annual Examination (June, 2023)

**Paper IV – 1.4. Abuse / Infringement of Patents
(Covering all 4 subjects)**

Duration of the Examination : 3 hours

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATESS

- a) Read the instructions carefully and adhere to the same.
 - b) Please mention your DDE ID No., date of the exam, name of the programme & subject on the Answer Sheet and the Additional Answer Sheets, if any.
 - c) The questions to be interpreted as given and no clarification can be sought from the Invigilator.
 - d) Clearly indicate the question numbers while answering them. Answers without question numbers / wrong question numbers will not be evaluated.
 - e) Write the answers clearly and neatly. Answers in illegible handwriting will not be taken into consideration.
 - f) Candidates are prohibited to carry phones or any other electronic devices, books, material etc. in the Examination Hall.
 - g) Copying is strictly prohibited and is considered as a serious academic mis-conduct and the University will take action as it deems fit.
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You are an Indian registered patent agent. You received a letter on from one Mr. Client as follows:

Please respond to Mr. Client, advising him and explaining in detail addressing all the concerns raised by him highlighting on:

- 1) *claim construction,*
- 2) *infringement,*
- 3) *patent validity / revocation possibilities,*
- 4) *other miscellaneous issues and*
- 5) *your advice.*

(20+20+30+20+10 Marks).

Letter from your Client

Dear Patent Agent,

We are referred by our business partner to contact you on patent-related matters and we seek your advice on possible situations we may face.

We are an Indian company and we have been working on introducing new products into market primarily in India and in the neighbouring regions. One very interesting product that we are currently developing is a selfie stick used to take self and group photos for example with smart phones during travels and gatherings. We have put up our first round of advertisements at online platforms and the response is very positive and hence we plan to arrange importation of the product into India from our factory in Singapore.

While we are excited in our business prospect in this product, we have recently received a phone call from a company named iPhoto Pte Ltd claiming that they own a Singapore patent covering the product we advertised and asked us not to import into Singapore in the first place, also not to make or sell this product anywhere in the world. Following up the phone call they sent me a document which they said to be the patent as mentioned. Looking at their patent document we do not think that our product is the same as their patent, because our product looks quite different from the drawings shown in their patent document. On top of that, our product is independently developed by us and in fact we also just filed our own patent application for it in Singapore, although the examination is still in process, we are confident that IPOS will approve it and grant us the patent soon. At least for this reason, we believe that we should be ok to make, import and sell our own patented product and without infringing iPhoto's patent, but please correct me if I am wrong.

Nevertheless, we would like to take precautionary measures and being better prepared, in case of any further action that iPhoto Pte Ltd may take against us, and please give us your professional opinion and advise us on what we should do to improve our situation, so that we can conduct our business uninterrupted.

I enclose our patent filed for our own product and iPhoto's patent document for your reference, and we look forward to your advice soon.

Your sincerely
J Singh, CEO
Mobile Accessories Ltd.

Enc.

- (1) iPhoto's patent (Document A)
- (2) Our product description (Document B)

Additional Information

- 1) You checked and confirmed that Document A as received from client is a Singapore patent number 1120189123A, owned by iPhoto Pte Ltd, filed on 6

July 2019 and granted on 5 July 2020, by relying on an all-positive IPRP of a corresponding PCT international patent application.

- 2) You also conducted a patent search which reveals two documents, one US Patent US-77 (Document C), and one PCT international patent application WO-88 (Document D), in which:
- US-77 was filed on 31 December 1985 and granted on 30 December 1986 and without any priority claim;
 - WO-88 was filed on 1 March 2009 also no priority claim.

Document A (iPhoto's Patent – SG 1120189123A)

Multifunction Camera Holder

Technical field

The present invention relates to a holder to support camera or smart phone.

Background

Camera holders provide convenient ways for user to take his / her own photos without help by other people around. Conventional camera holders however are not that convenient for example the user has to hand hold the camera holder at all times or to frequently mount and unmount the camera or smart phone onto and from the camera holder for repeated use and non-use cycles.

Brief description of drawings

Fig. 1 shows a camera holder of the present invention with the stick collapsed and showing the platform in multiple positions;
Fig. 2 shows the camera holder of Fig. 1 when in collapsed and fully folded mode;
Fig. 3 shows the camera holder of Fig. 1 in extended mode for use;
Fig. 4 shows the camera holder of Fig. 3 with a smart phone mounted thereon in a hand-held mode;
Fig. 5 shows the camera holder of Fig. 3 with a smart phone mounted thereon in a self-stand mode.

Detailed description

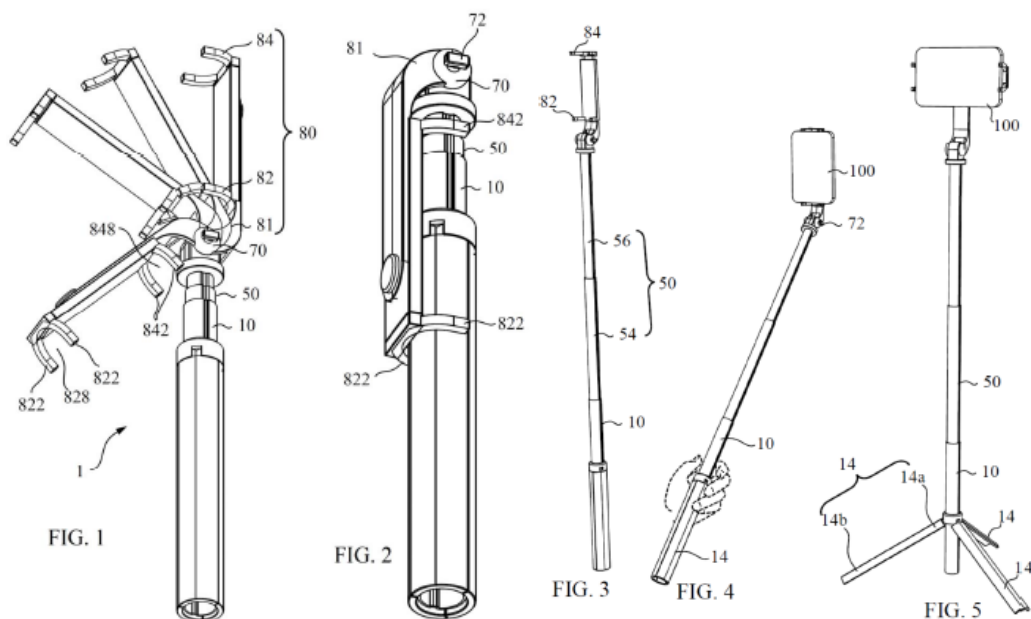
The present invention provides a multifunction camera holder which can be used in various environments to take photos of the user himself, while the user is on the road travelling or on tour, also suitable for taking group photos as a conventional tripod does, as well as resting the camera holder with the camera mounted thereon, to free-up the user's hands.

As shown in the figures, a camera holder 1 includes a support member 10 and a platform 80 having a pillar 81 connected to the support member 10, through a stick 50. The support

member 10 is used to support the weight of the camera holder when in use to take a self-photo by hand. The length of the stick 50 can vary such that when in use, the stick 50 can be extended telescopically with its multiple segments 54, 56 etc. sliding with respect to each other, to move the platform 80 further away from the user with the camera holder 1 on this hand, at a distance longer than that the user's arm can reach, so that a self-photo can be taken with less or no distortion, also a wider background scene. When photo taking is done, the camera or smart phone 100 can be taken off from the platform 80 then the stick 50 is collapsed into a shorter length, for easy carrying by e.g., a shoulder bag or even in the user's pocket.

The pillar 81 of the platform 80 is movably connected to the stick 50 by e.g., a hinge 70, such that the user can adjust the angle of the camera or smart phone mounted to the platform, for convenience of taking best effect photos. In addition, the user can hold camera holder 1 with postures of less body stress of the user. Of course, the user can lock the platform 80 to the stick 50 with the knob 72 so that the capturing angle can be fixed at any position the user finds it the best.

The multifunctional camera holder 1 has a retention mechanism suitable for mounting a camera or smart phone 100 onto the platform 80 in a quick yet reliable manner. The retention mechanism includes a fixed jaw 82 and a spring-driven movable jaw 84 which can be pulled away from the fixed jaw 82, by a user overcoming the spring force. The user then holds his camera or smart phone 100 between the fixed jaw 82 and the movable jaw 84 and release the movable jaw 84. Due to the spring force acting on the movable jaw 84, the movable jaw 84 moves back towards the fixed jaw 82 and grips the camera or smart phone 100 together with the fixed jaw 82. One would



appreciate that the camera or smart phone 100 can be easily and conveniently taken off from the platform 80, by the user pulling the movable jaw 84 away from the fixed jaw 82, while resting the camera holder 1 and 5 together with the camera / smart phone 100 on a table during operation.

Advantageously, as shown in Fig. 1 and Fig. 2 the platform 80 can also be folded towards the stick 50, while not in use, such that the camera holder 1 can be more compact for carrying or storage. To this extend, the fixed jaw 82 and the movable jaw 84 each has a pair of space-apart fingers 822, 842 forming a respective gap 828, 848 therebetween. Upon the platform 80 being at the folded position, the support member 10 and the stick 50 are received and placed in the gap 828, and/or 848 hence the camera holder 1 is more compact.

The support member 10 may further include at least three bars 14 coupled to the stick 50 at one end 14a, and with the other end 14b free like a cantilever. The bars 14 are pivotable such that the free end of 14b of each bar 14 expands outwardly to support the camera holder onto a horizontal surface. When a user uses the multifunction camera holder by hand-gripping camera holder 1, (Fig. 4), the bars 14 fold back to the compact state, such that the bars 14 and/or support member 10, can also serve as a handle convenient to grip. The camera holder 1 can then be used by hand-gripping for photo taking and following the user walking around. When a table is available, for example in a restaurant, the user pulls the other end 14b of each bar 14 outwardly, which cause each bar 14 to pivot and the other ends 14b positioned and rest on a bigger footprint, as shown in Fig.

5. The camera holder 1 can therefore stand on a horizontal surface e.g., the restaurant table for self-photo or group-photo taking.

CLAIMS

1. A multifunction camera holder comprising:
 - a support member;
 - a platform for releasably securing a camera thereon;
 - a stick connecting the support member to the platform;
 wherein the stick is extendable to an operation state at which the platform is far away from the support member to a distance greater than the length of an arm of a user such that the camera held on the platform can be operated from that distance, and the stick is collapsible to a compact state at which the platform is closer to the support member for easy carrying of the camera holder.
2. The camera holder of claim 1, wherein the platform is rotatably connected to the stick to allow position adjustment of the platform.
3. The camera holder of claim 1, wherein the platform comprises a pillar mounted to the stick and a pair of clamp members coupled to the pillar to secure a camera therebetween.
4. The camera holder of claim 3, further comprising a spring coupled to and drive one of the clamp members towards the other one of the clamp members to secure the camera.

5. The camera holder of claim 3, wherein each of the clamp members includes a pair of fingers spaced apart from each other forming a gap therebetween, the platform is foldable towards the stick such that the stick is received in the gap.
6. The camera holder of claim 1, wherein the support member comprises at least

three bars each having one end coupled to the stick, the bars being pivotable such that the free end of each bar expands outwardly to support the camera holder onto a horizontal surface.

(Abstract: omitted)

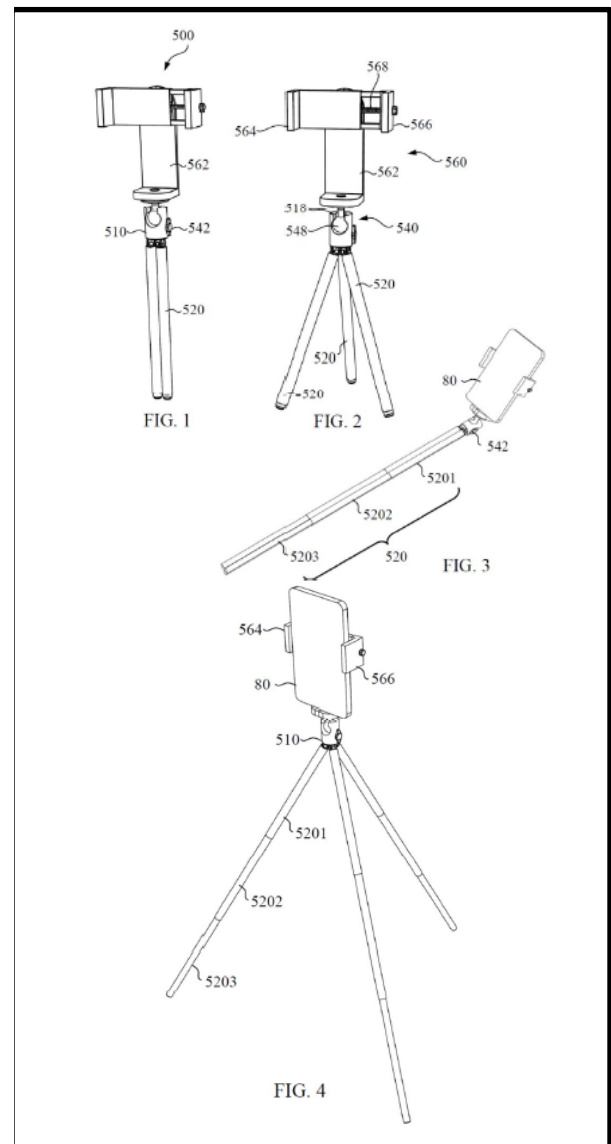
Document B (Client's Product Description)

Selfie Support Device

As shown in Figs. 1, 2 and 5 3, a selfie support device 500 comprises a base 510 and three legs 520 each being rotatably connected to the bottom side of the base 510.

Each leg 520 is of the telescopic type having multiple segments slidably coupled one to the other, for example three segments 5201, 5202, 5203 as shown, so each leg 520 is able to increase its length when the segments are extended relative to each other, and also shorten the length by retracting the segments into one another. Each leg 520 can also rotate independently relative to the base 510 such that the free ends of the three legs can become the vertices of larger triangle and rest on a table or ground to support the base 510 on it, as shown in Fig. 4.

On top of the base 510 there is mounted a bracket 560 configured to hold a photo device such as a camera or smart phone 80. The bracket 560 has an L-shaped pillar 562 connected to the base 510, via a ball-joint coupling 540 having a ball 548 received in a ball seat 518 provided on the base 510. Rotatably assembled to the pillar 562 there is a fixed jaw 564 and a movable jaw 566 linearly coupled to the fixed jaw 564, via a threaded rod 568. Rotation of the threaded rod 568 in one direction brings the movable jaw 566 to slide towards the fixed jaw 564, to clamp a camera or smart phone 80, and rotation of the threaded rod 568 in an opposite direction brings the movable jaw 566 back, to slide away from the fixed jaw 564 to release the camera or smart phone.



As the legs 520 when extended can stand on a table or ground with a quite large footprint, the selfie support device 500 can hold a photo instrument in a very sturdy manner (Fig. 4), even if the photo instrument is heavy or bulky e.g., a professional camera or a tablet.

The selfie support device 500 works equally well in situations where no horizontal or flat surface is available nearby. This can be achieved by a user directly grabbing the legs 520, in either the extended mode or retracted mode, such that a camera or smart phone can be held on the selfie support device 500 in a distance away from the user, for self or group photo-taking, whether the user is standing stationary, or on the move during which motion pictures can be easily captured.

Photo or video taking at different camera angles can be done easily, too, by adjusting the ball-joint 540 and when a best-view angle is determined, the user tighten the knob 542 to lock the position of the ball-joint 540.

Document C (US Patent US-77)

Camera Support Apparatus

Detailed description

As shown in the figures, a camera support apparatus 100 includes a base assembly 112, a handgrip 114, and an elongated extensible support 116 between the hand grip 114 and the base assembly 112. The handgrip 114 may be coated with rubber or any other suitable material to improve the user's grip. The extensible support 116 may be made entirely of a relatively non-corrosive material, such as plastic or aluminium, so it may be used underwater.

The elongated support 116 is of a telescoping construction. The elongated support 116 includes a first large diameter hollow cylindrical segment 122 at its back end which is carried by the handgrip 114, and a small diameter cylindrical segment 124 carried by the base assembly 112, and one or more intermediate cylindrical segments 126, three such segments 126, 126, 126 being illustrated as a non-limiting example. When the handgrip 114 is pulled away from the base assembly 112 in the direction of the arrow 128, the segments 122, 124, 126 will be telescoped to their extended position as illustrated in Fig. 1A, for use as a selfie rod by mounting a camera C thereon (Fig. 1B). If they were moved in the opposite direction the elongated support 116 would be moved into its retracted position, Fig. 2, for easy carrying and storing.

The base assembly 112 includes a threaded stud 130 carried by a ball 132. The ball 132 is part of an integral assembly which also includes a cylindrical portion 134 and a circular turning plate 136. The camera is typically provided with a tripod mount which receives the stud 130, and

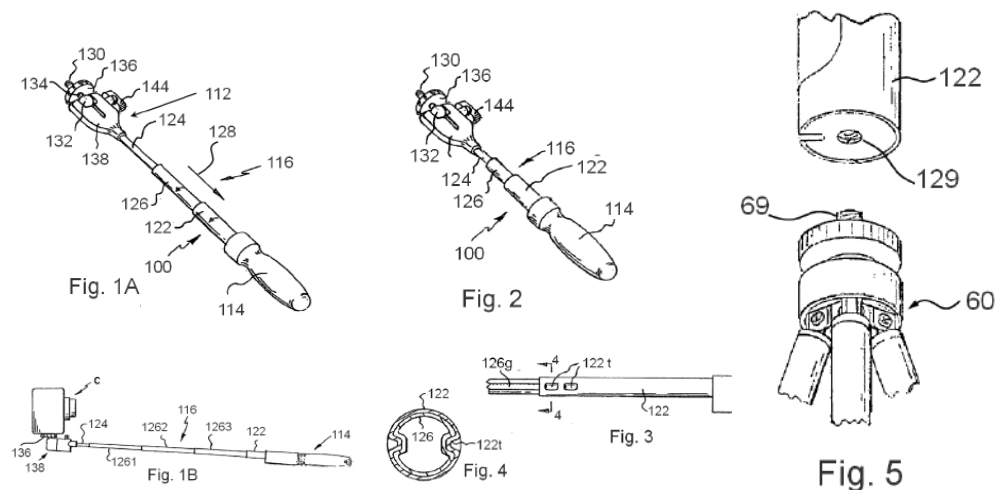
it is possible to securely mount the camera by turning the plate 136 until it tightly bears against the bottom of the camera tripod mount. The base assembly 112 further includes a body 138 for closely receiving the ball 132, and permitting movement of ball 132 between various positions it is possible to use other devices to secure the camera to the base assembly. Thus, if the camera is a smart phone, a special adaptor may be required. Other devices may also be provided with special adapters.

Means are provided for locking the ball 132 in a desired position within the body 138. To this end, the locking means includes a winged screw 144 which is received by a threaded portion of the body 138, the screw bearing against the ball 132 when the parts are tightened to hold the threaded stud assembly 130-136 in its desired position.

As can be seen from FIGS. 3, 4, the telescoping sections are provided with a tongue and groove arrangement to prevent rotation. For example, section 122 is provided with tongue 122t, and section 126 is provided with groove 126g to receive tongue 122t.

This arrangement will be repeated as necessary to ensure that the parts do not rotate about their longitudinal axes. Other forms of telescoping rods may be used. For example, the telescoping rods could be square shaped, triangular, octagonal or any other shape that will not rotate. Alternatively, rods can be used that partially rotate until locked by means of a clockwise / counterclockwise twisting lock/unlock action similar to some extensible tripod legs and walking sticks.

As an alternative to mounting to hand grip 114,



as shown in Fig. 5, the first large diameter hollow cylindrical segment 122 may have a threaded hole 129 provided at the bottom end surface, which allows a support member to be mounted to an external support point e.g., a conventional tripod 60, through the matching

stud 69 provided on the tripod 60. In this way, the camera support apparatus 100 expands its applicability to be mountable to alternative basis instead of being hand-held.

(Other sections of the specification omitted)

Document D (PCT Publication WO-88)

Portable Electronic Device Holder

Detailed description

FIG. 1A shows a side view of a portable electronic device holder in an active position clamping a portable electronic device. The device holder has a handle section 100 and a detachable clamp section 102. The handle is coupled to the clamp with thread screw mechanism 104, such as a coarse helical thread to simplify and minimize rotations when attaching or removing the clamp section from the handle section. Screw mechanism 104 may also allow for interchangeable end effects to be installed at the end of the handle to accommodate future devices.

The handle has a gripping section 106 to facilitate the holding of the handle in a hand of a user. A telescoping section 110 allows the distance between the gripping section 106 and clamp section 102 to be increased, thereby extending the distance between the user and the camera for enhanced selfie recordings. Telescoping section 110 may have a larger number of thicker shorter members, thereby allowing for a smaller closed sized while maintaining the overall desired length when extended and increases rigidity.

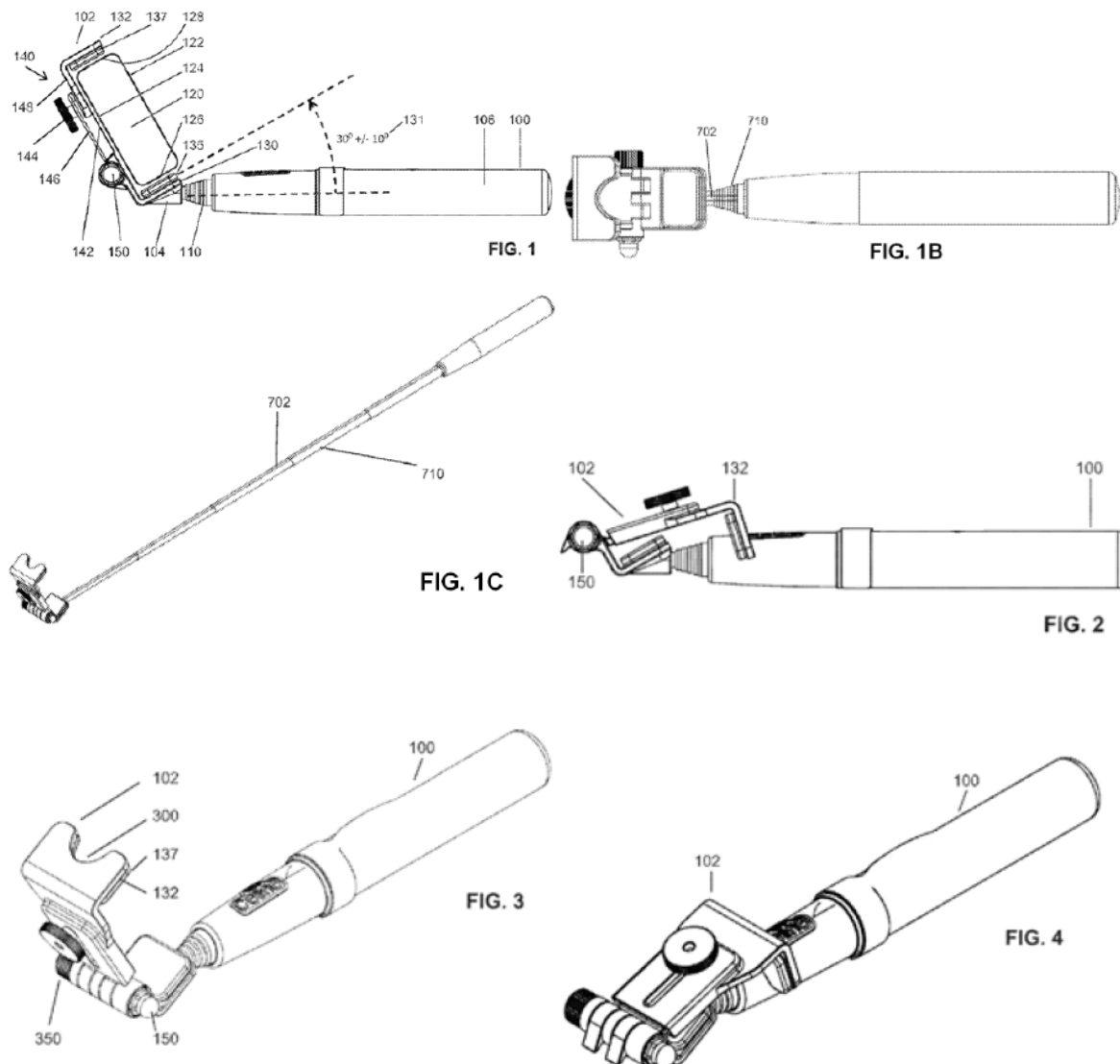
FIG. 1B shows the portable electronic device holder with the telescoping element 710 of FIG. 1A in a retracted position and FIG. 1C shows the portable electronic device holder with the telescoping element 710 of FIG. 1A in an extended position.

The portable electronic device 120 is shown clamped by clamp section 102. The portable electronic device has a front surface 122 which may include a camera and a display such as those incorporated into many cell phones, smart phones, tablets, phablets, and other such devices of various dimensions. The portable electronic device also has a generally planar rear surface 124 which may be referred to as the back side of a cell phone or smart phone. Rear surface 124 may also include a camera and a flash for illuminating recording of images. The portable electronic device also has sided surfaces 126 and 128 which may be engaged by clamping surfaces of clamp section 102.

The clamp section 102 includes a first clamping surface 130 having a fixed angle 131 of about 30 degrees relative to the handle 100 and coupled or attached to the handle.

In FIG. 1A, a second clamping surface 132 is located parallel to the first clamping surface 130. The first clamping surface 130 and the second clamping surface 132 are adapted to clamp side surfaces 126

and 128 of portable electronic device 120. The portable electronic device has a front surface 122 having a front mounted display and a front surface mounted camera whereby a user holding the handle may record a selfie image including the user with the portable electronic device 120.



The clamp section 102 further includes a sliding arm assembly 140 having a sliding range provided by a link plate 146 and an upper plate 148 onto which the second clamping surface 132 is formed, in which the link plate 146 is slidably coupled to the upper plate 148.

The sliding arm assembly 140 is coupled between the first clamping surface 130 and the second clamping surface 132 for adjusting a distance between the first clamping surface and the second clamping surface to provide for clamping of portable electronic devices 120 of various dimensions. The sliding arm presents a planar surface 142 for receiving the rear planar surface 124 of the portable electronic device 120 while clamped. The planar surface 142 of the clamp mates with corresponding planar surface 124 of the portable electronic device for providing an increased stability and affixing of the portable electronic device to the holder while clamped.

The sliding arm assembly 140 further includes a first locking lug 144 for locking the link plate 146 and the upper plate 148, to fix a distance between the first clamping surface 130 and the second clamping surface 132. When the first locking lug 144 is rotated clockwise and tightened, the sliding arm assembly is locked in its current position. When the first locking lug 144 is rotated 5 counterclockwise and loosened, the sliding arm assembly is unlocked and able to slide through its sliding range to clamp the portable electronic device. The geometry of the sliding arm assembly 140 may include ribs, steps, or stiffeners to create a more rigid clamp when adjusted and secured by first locking lug 144.

In operation, the locking lug 144 is unlocked and the distance between the first and second clamping surfaces is increased to facilitate locating the planar rear surface of the portable electronic device to be received by corresponding planar surface 142. Then, the distance between the first and second clamping surfaces is decreased providing a tension fit clamp of the portable electronic device between the clamping surfaces. Finally, the first locking lug 144 is locked and the portable electronic device is securely mounted in the holding device for the recording of photographs.

The clamp 102 also includes a hinge 150 coupled to the first clamping surface 130 and the link plate 146 of the sliding arm assembly 140 and for rotating the second clamping surface 132 and the sliding arm assembly 140 between an active position for clamping a portable electronic device within the first clamping surface and the second clamping surface, and an idle position.

FIG. 2 shows a side view of the portable electronic device holder in an idle position. In the idle position the size of the clamp when not clamping the portable electronic device is reduced. In the idle position the portable electronic device 120 has been removed from the clamp 102. Then the second clamping surface 132 and the sliding arm assembly 140 are rotated from the active position to the idle position. Hinge 150 allows the sliding arm 30 assembly 140 and the second clamping surface 132 to rotate proximate to the handle 100.

The folding axis of rotation provided by hinge 150 is offset from the main axis of telescopic member to minimize the size of the clamp section when folding and allowing for further intimate interfacing of the upper portion of the clamp section with the handle. In one example, the second clamping surface 132 may be rectangular in shape with a flat edge of the rectangle resting in proximity with the handle in the idle position. In another example the second clamping surface may have a shape adapted to further engage the handle and further reduce the size of the clamp when in the idle position.

FIG. 3 shows a perspective view of the portable electronic device holder in the active position. The second clamping surface 132 includes a notch 300 for further engaging the handle in the idle position. The notch in the second clamping surface and the second friction pad does not significantly reduce the ability of the second clamping surface to clamp side 128 of the portable electronic device, while enabling further engagement with the handle and thus further reduction of the clamp in the idle position. The contoured geometry allows the clamp section to intimately fit or interlock with handle when folded.

FIG. 3 also shows that hinge 150 includes a second locking lug 350 for locking the hinge in at least one of the active position and the idle position. When the second locking lug 350 is rotated clockwise and tightened, the hinge 150 is locked in its current position. When the second locking lug 350 is rotated counterclockwise and loosened, the hinge 150 is unlocked and able to pivot between the active and idle positions. In other examples, other assemblies for locking and unlocking the clamp in the idle and active positions are considered to be within the scope of this description.

FIG. 4 shows a perspective view of the portable electronic device holder in the idle position. In the idle position the notch 300 receives the handle 100, thereby enhancing the reducing of the size of the clamp 102 in the idle position while enabling the clamping of the portable electronic device in the active position. Further note that the sliding arm assembly has a sliding range that facilitates the clamping of portable electronic devices of various dimensions. The second clamping surface 132 includes a notch 300 for receiving the handle in the idle position thereby enhancing the reducing of the size of the clamp in the idle position. Once the sliding arm assembly is adjusted for dimensions of a portable electronic device, it needs not necessarily be readjusted even though the clamp 102 may be rotated between idle position and the active position. This allows for 5 quick installation of the portable electronic device while allowing for quick and convenient rotation between the active position and the reduced size idle position, while allowing the sliding arm assembly to remain fixed in its sliding range by the first locking lug.

(Other sections of the specification omitted)