

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

2009-10

Paper IV - Abuse of Patents (Practical)

Time: 2 ½ hours.

TOTAL MARKS: 60

INSTRUCTIONS TO CANDIDATES

The questions to be interpreted as given and no clarification can be sought from the invigilator.

PART A

Answer any three of the following questions (3 X 10 marks = 30 marks)

1. How is patent infringement assessed in India? Explain the stepwise process.
2. Explain the function-way-result test for assessing equivalence.
3. What is claim construction and how is it carried out?
4. What are the basic sources used for understanding meaning of words in a claim?
5. What are the remedies for patent infringement?

PART B

Answer any one of the following: (3 X 10 marks = 30 marks)

1. I claim a table comprising of a flat piece of wood connected to wooden legs at its corners.

Product description

The product is a circular table, which has a circular surface and three iron legs with wheels.

- a. What sources must be referred to understand the meaning of the claim?
- b. Is the product literally infringing? Analyse.
- c. Is the product infringing by equivalence? Analyse.

2. What is claimed is

An herbal composition for relief of headache pain and other symptoms associated with headaches comprising:

- from about 46% to about 64% by weight of white willow bark extract;
- from about 8% to about 18% by weight of Kava Kava root extract; and
- from about 25% to about 41% by weight of at least one of feverfew extract and ginger root extract.

Product Description:

Pain relief oil:

- 44% of White willow bark extract
- 19% of kava kava root extract
- 25% of ginger root extract and
- 12% Eucalyptus oil

a. What sources must be referred to understand the meaning of the claim?

b. Is the product literally infringing? Analyse.

c. Is the product infringing by equivalence? Analyse.