



**6<sup>th</sup> SURANA & SURANA & SHAASTRA IIT MADRAS  
INTELLECTUAL PROPERTY LAW MOOT  
COMPETITION, 2022-2023**



<b>Queries</b>	<b>Clarification</b>
<p>In the 4th Para it was mentioned about the filing date happening in March 2021. In the 6th para For the same Patent No 23X4381 the filing date happens at different filing dates.</p> <p>(I)What is the actual specified date of filing for aforesaid patent number ?</p> <p>(ii) What is the 18th month publication date for the aforementioned patent number ?</p>	<p>The date of filing of the patent application is 02/03/2021</p> <p>The 18th month publication date of the patent application is not relevant</p> <p>The date of publication of the granted patent is 03/01/2023</p>
<p>Paragraph 12 states</p> <p>"The Plaintiff's first claim, post grant of the patent is as follow"</p> <p>Does this mean the Plaintiff filed her first claim for the entire patent application process post grant or the first claim after the grant but there were other claims filed before?</p>	<p>Claims cannot be filed post grant of the patent. The claims are a part of the patent complete specification and filed when the patent is filed. Upto grant the Applicant may draft and file several amended version of the original claims, in order to overcome the objection/s raised by the Controller during examination of the patent, and to place the patent in order for acceptance and grant.</p> <p>"The Plaintiff's first claim, post grant of the patent is as follow" means - "The first claim among the finally accepted claims of the Plaintiff's patent, as accepted and granted by the Patent Office, is as follows"</p>
<p>1. As the problem does not contain issues so do we have to frame them?</p> <p>2. Jurisdiction of the court is where the plaintiff resides? How is it the plaintiff?</p>	<p>1. Each contestant team has to frame the issues they feel are pertinent for decision.</p> <p>2. Jurisdiction is to be determined by the contestant team based on the facts given to them and their research on the law as it stands.</p>
<p>1. Does the Defendant carry on business or is its principal office located within the jurisdiction of the High Court of Hiled?</p> <p>2. Paragraph 4 of the Proposition states that the Plaintiff had filed an application for her patent in March 2021. However, Paragraph 6 states</p>	<p>1. Para 14 is sufficiently explanatory</p> <p>2. It is a typographical error in Para 6, the date of patent filing is 2nd March 2021</p>



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<p>that the patent application was filed before the Indian Patent Office 02/03/2022. What is the relevant date of filing the patent application?</p> <p>3. Since only the first claim of the patent post-grant has been provided, without providing the complete specification or a description of the patent, is the present infringement proceeding only with respect to the first claim of the Plaintiff's patent?</p> <p>4. Is the present suit in the nature of a counter-claim seeking revocation of the Plaintiff's Patent or merely an infringement action wherein defenses have been raised by the Defendant under Section 107?</p>	<p>3. The question is not relevant. Teams are asked to do further research on how patent infringement suits are decided upon</p> <p>4. A counter claim has been filed by the Defendant seeking revocation of the Plaintiff's patent</p>
<p>1. Does the Defendant have Patent For The Impugned Technology ?</p> <p>2. Is Broeshim BV a party to the Suit ?</p> <p>3. WITH RESPECT TO PARA 7 - "The Defendant submits that the Plaintiff's claimed invention apart from being what is already patented, is....." - WHAT IS THE DATE OF THE GRANT OF THE PATENT?</p>	<p>1. Paragraph 2 and 3 are self explanatory</p> <p>2. The cause title is self explanatory</p> <p>3. 02/03/2021</p>
<p>1. As regards paragraph 2, what are the specifications of the product sold by Broeshim BV?</p> <p>2. Whether the Original Defendant has been made a party to the suit?</p> <p>3. As regards paragraph 12, what are the relevant specifications of the plaintiff's claimed invention?</p>	<p>1. The paragraph is self explanatory and no further details regarding the product are available</p> <p>2. It is upto the team</p> <p>3. The question is not relevant. Team is asked to do further research on how patent infringement suits are decided upon</p>