

Unit 10 - Week 8

Assignment 8

The due date for submitting this assignment has passed.
As per our records you have not submitted this assignment.

Due on 2019-09-25, 23:59 IST.

Instructions

- A. This Assignment is of 10 points. Each question is of 1 point.
B. All the questions are compulsory.
C. Questions 1-8 are Multiple Choice Questions with only one option correct
D. Questions 9-10 are Multiple Select Questions with more than one option correct (at least two options are correct). Marks will only be awarded if all the options are correct.
E. Students should read the questions very carefully before answering.
F. There is no negative marking
- 1) Ideal time to file a pre-grant opposition is _____ from the date of publication of the application under Section 11A, **1 point** since no patent shall be granted during this window time
- 1 month
 3 months
 6 months
 12 months
- No, the answer is incorrect.**
Score: 0
Accepted Answers:
6 months
- 2) **Statement 1:** On receiving notice of opposition under Rule 55(3), the applicant shall file his statement and **1 point** evidence in support of his application within 10 days from the date of the notice
Statement 2: The notice of opposition shall be filed in Form 7 under Section 25(2) and sent to the Controller
- Statement 1 is true, 2 is false
 Statement 1 is false, 2 is true
 Statements 1 and 2 are false
 Statements 1 and 2 are true
- No, the answer is incorrect.**
Score: 0
Accepted Answers:
Statement 1 is false, 2 is true
- 3) **Statement 1:** If the Controller is satisfied upon a request made under Section 28, that the person in respect of or **1 point** by whom the request is made is the inventor of an invention and the application is a direct consequence of his being the inventor, he shall cause him to be mentioned as inventor in any patent granted
Statement 2: Provided that the mention of any person as inventor under Section 28 shall not confer or derogate from any rights under the patent
- Statement 1 is true, 2 is false
 Statement 1 is false, 2 is true
 Statements 1 and 2 are false
 Statements 1 and 2 are true
- No, the answer is incorrect.**
Score: 0
Accepted Answers:
Statements 1 and 2 are true
- 4) **Statement 1:** In an opposition proceeding, the Controller may direct that the patent shall stand amended in the **1 point** name of the opponent, if the invention claimed in any claim of the complete specification, was obtained from the opponent under Section 25(2)
Statement 2: In an opposition proceeding, the Controller may direct that the specification be amended by the exclusion of that part of the invention, if that part of the invention described in the complete specification was obtained from the opponent
- Statement 1 is true, 2 is false
 Statement 1 is false, 2 is true
 Statements 1 and 2 are false
 Statements 1 and 2 are true
- No, the answer is incorrect.**
Score: 0
Accepted Answers:
Statements 1 and 2 are true
- 5) Post-grant opposition under Section 25(2) can be filed by any interested person at any time after the grant of **1 point** patent but before expiry of _____ from the date of publication of grant of patent
- 1 year
 2 years
 3 years
 All of the above
- No, the answer is incorrect.**
Score: 0
Accepted Answers:
1 year
- 6) On receiving the notice of opposition under Section 25(1) , the applicant shall file his statement and evidence in **1 point** support of his application within _____ from the date of notice
- 3 months
 6 months
 9 months
 12 months
- No, the answer is incorrect.**
Score: 0
Accepted Answers:
3 months
- 7) On a successful opposition to the patent under Section 25(2) on the ground of wrongful obtaining, the opponent **1 point** has to file the application for changing the name of the patentee in his favor by filing
- Form 5
 Form 6
 Form 8
 Form 12
- No, the answer is incorrect.**
Score: 0
Accepted Answers:
Form 12
- 8) Under Section 28, if the Controller is satisfied that the application for the patent is a direct consequence of his **1 point** being the inventor, the Controller can cause him to be mentioned as inventor if the applicant files _____
- Form 7
 Form 8
 Form 9
 Form 10
- No, the answer is incorrect.**
Score: 0
Accepted Answers:
Form 8
- 9) Which among the following are valid grounds for raising opposition under Section 25(1) **1 point**
- That the subject of any claim of the complete specification is not an invention within the meaning of this Act
 That the invention claimed in any claim of the complete specification published on or after the priority date of the applicant's claim and filed in pursuance of an application for a patent in India, being a claim of which the priority date is earlier than that of the applicant's claim
 That the applicant contravened any direction for secrecy passed under Section 35
 That the applicant for the patent or the person under or through whom he claims, wrongfully obtained the invention or any part thereof from him or from a person under or through whom he claims
- No, the answer is incorrect.**
Score: 0
Accepted Answers:
That the subject of any claim of the complete specification is not an invention within the meaning of this Act
That the invention claimed in any claim of the complete specification published on or after the priority date of the applicant's claim and filed in pursuance of an application for a patent in India, being a claim of which the priority date is earlier than that of the applicant's claim
That the applicant for the patent or the person under or through whom he claims, wrongfully obtained the invention or any part thereof from him or from a person under or through whom he claims
- 10) If any notice of opposition was duly given under Section 25(2), the Controller shall **1 point**
- Constitute an opposition board on receipt of such notice of opposition
 Not take into account any personal document or secret trial or secret use while passing an order
 Maintain or amend or revoke the patent based on the recommendation of the opposition board and after giving the patentee and the opponent an opportunity of being heard
 Appoint the examiner who has dealt with the application for patent during the proceeding for grant of patent
- No, the answer is incorrect.**
Score: 0
Accepted Answers:
Constitute an opposition board on receipt of such notice of opposition
Not take into account any personal document or secret trial or secret use while passing an order
Maintain or amend or revoke the patent based on the recommendation of the opposition board and after giving the patentee and the opponent an opportunity of being heard

Course outline

How to access the portal

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Week 3

Week 4

Week 5

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Week 7

Week 8

Lecture 39 - Introduction to Opposition to Grant of Patents

Lecture 40 - Pre-Grant Opposition

Lecture 41 - Post-Grant Opposition

Lecture 42 - Obtained Invention

Lecture 43 -Mention of Inventor

Lecture 44 - Opposition in General

Quiz : Assignment 8

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Week 10

Week 11

Week 12

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