

MOCK EXAMINATION PAPER I -2018
Max Marks: 100 Time: 2 hours Instructions to the Candidates

Instructions:

1. This Paper consists of three parts- Part A (60 Marks), Part B (10 Marks) & Part C (30 Marks).
2. All the questions are compulsory.
3. Part A is of 60 Marks and consists of 30 Multiple Choice Questions with one option correct. Each question is of 2 Marks.
4. Part B is of 10 Marks and consists of 10 True and False questions. Each question is of 1 Mark.
5. Part C is of 30 Marks and consists of 10 Multiple Choice Questions with more than one options correct (at least two options correct). Each question is of 3 Marks. No Mark shall be awarded if all the correct options are not marked.
6. Candidates should read the questions very carefully before answering.
7. No clarifications would be provided during the course of examination.
8. There is no negative marking.

Part A

1. **An applicant can chose filing of patent application in either of four patent office namely Delhi, Chennai, Mumbai and Kolkata on the basis of following grounds—**
 - a. Where, the inventor plans to start business using the proposed invention
 - b. Where, the applicant normally resides or having place of business or where the place where the invention actually originated
 - c. Where, the agent of the applicant normally resides or having place of business
 - d. The place of birth of the inventor

2. **Which one of the following conditions is lawful and would not be void when inserted in a license to use a patented article?**
 - a. To prohibit the licensee from acquiring except from the vendor any article other than the patented article.
 - b. To require the licensee to receive new parts of the patented article only from the licensor
 - c. To prohibit the licensee from using any process other than the patented process
 - d. To prohibit the licensee to use an article other than the patented article, which is not supplied by the licensor.

Note: Sign-up for a free account on [LexCampus](https://www.lexcampus.com) for access to the key of this question paper and for a webinar on preparing for the viva-voce. Subscribe to our [YouTube Channel](https://www.youtube.com/channel/UC...) for free live streaming of our webinars.

- 3. With regard to the Powers of the Controller in cases of anticipation, if a Controller directs that a reference to another specification should be included in the applicant's complete specification. Where such a reference shall be inserted in the complete specification?**
- Before the claims
 - After the claims
 - After the descriptive part of complete specification
 - Before the abstract
- 4. An application for registration of Patent Agents shall be made on—**
- Form 23
 - Form 24
 - Form 22
 - Form 25
- 5. If the divisional application has been filed after the parent application has been referred for examination, then the divisional application shall be referred to the examiner within—**
- 1 month from the date of filing the divisional application
 - 1 month from the date of publishing of divisional application
 - 12 months from the date of publishing the divisional application
 - 2 months from the date of filing the divisional application
- 6. In which of the following cases, an appeal shall not lie to the IPAB?**
- Refusal of a patent application by the Controller under section 15
 - Decision regarding post-dating of an application under section 17
 - Decision of the Controller under section 54 regarding patent of addition
 - Abandonment of application under Section 21
- 7. If any document relevant to the patent application has not been submitted due to war, civil disorder, strike or natural calamity then the relevant action should be taken within—**
- One month from the date when such situation has ceased to exist
 - 45 days from the date when such situation has ceased to exist
 - 15 days from the date when such situation has ceased to exist
 - Relevant action can be taken at any time
- 8. In which of the following cases post-dating of application mentioned under Section 17 is not allowed?**
- Where the request for post-dating is made after the application was abandoned under S. 9(1)
 - Where the request for post-dating is made after issuance of FER
 - Where the request for post-dating is made any time before the grant of the patent
 - Where the request for post-dating is made before the examination of the application

- 9. A divisional application may be filed by the applicant.**
- Within six months from the date of filing provisional application
 - Within 31 months of the filing of a conventional application
 - Any time before the grant of patent from which a divisional application can be filed
 - Before the publication of the patent application
- 10. Carlos Mathew files an International application under the Patent Co-operation Treaty designating India. The term of the patent in India will be—**
- 20 years from the date of grant of patent
 - 20 years from the international filing date accorded under PCT
 - 20 years from the date of publication of application for patent in India
 - 20 years from date of provisional application
- 11. A declaration as to the inventorship of the invention shall be filed in Form 5—**
- With the complete specification
 - Any time before the expiration of one month from date of filing of complete specification
 - Either (a) or (b)
 - Any time before the grant of the patent
- 12. In case of request for permission for making patent application outside India, the Controller shall dispose of the request within a period of—**
- 15 days
 - 21 days
 - 1 month
 - 3 months
- 13. Ashok files an application for patent. However, his invention cannot be carried out without a risk of potential infringement of another patent. In such a case, what should be done by the Controller?**
- Direct to withdraw his application
 - Direct insertion of a reference to the other patent in his application
 - Refuse to proceed with the application
 - Inform the owner of the other patent about the potential infringement
- 14. The statement and undertaking regarding the filing of foreign application by an applicant shall be filed—**
- On Form 3 within six months of the filing of such application
 - On Form 3 immediately after grant of the foreign patent
 - On Form 3 any time after six months of the filing of such application
 - On Form 3 after one year of the filing of such application

15. When a patent is sought to be revoked on the ground of wrongful obtaining from the true and first inventor, the Controller may—

- a. Direct that the patent shall stand amended in the name of the opponent
- b. Direct the person wrongfully obtaining to pay penalty to the true and first inventor
- c. Revoke the patent and ask the rightful inventor to apply afresh
- d. Grant the patent by inserting an appropriate reference

16. As per the Indian Patent Act, a complete specification must be filed within

- a. 12 months from the filing of a provisional specification derived from a purported complete under S. 9(3)
- b. 12 months from the filing of the last provisional specification, where a series of provisional applications are filed involving the same invention
- c. 12 months from the filing of the first provisional specification, where a series of provisional applications are filed involving the same invention
- d. 12 months from the filing of the abandoned provisional specification, where a series of provisional applications are filed involving the same invention

17. A patentee whose patent is lapsed and restored can

- a. File a suit of infringement during the period of lapse
- b. Issue a license after restoration of the patent
- c. Bring an injunction during the period of lapse
- d. Claim royalty during the period of lapse

18. One of the following is not true in relation to a patent of addition

- a. If the patent for the main invention is revoked, the patent of addition may continue as an independent patent for the remaining part of the term of the main patent
- b. Renewal fee is to be paid to keep the patent of addition alive if the main patent is revoked
- c. A patent of addition can be granted before the grant of the patent for the main invention
- d. The term of the patent of addition is generally less than the term of the patent for the main invention

19. A granted patent gives the patentee the right to claim damages:

- a. From the priority date of the patent
- b. From the date of grant of the patent
- c. From the date of filing of the complete specification
- d. From the date of publication of the patent application in the official journal

20. When no Form is specified for a purpose, what will you do?

- a. Use Form 26 and authorize someone to deal with the Patent Office
- b. Write a letter to the Controller of Patents
- c. Use Form 30 because there is no other form
- d. Use Form 4 to extend the timeline and wait for a reply from the Patent Office

21. In which of the following cases the application for patent shall not be deemed to be abandoned?

- a. If the complete specification is not filed within 12 months from the date of filing of provisional application as per Section 9(1)
- b. The applicant fails to comply with the requirements imposed on him by the Controller as per Section 21
- c. In respect of an application for a patent any person contravenes any direction as to secrecy given by the Controller under section 35
- d. If the applicant fails to file request for publication before 18 months from the date of application.

22. Which of the following statement is false with regard to qualifications for registration as a Patent Agent in India

- a. Must be a citizen of India and completed the age of 21 years
- b. Obtained a degree in Science, engineering or technology from any University
- c. Has passed qualifying examination prescribed for the purpose
- d. Should be registered as an Advocate under the Bar Council of India or discharged the functions of the examiner of patents for a period not less than 5 years

23. Alex sues Brown for the infringement of his patent (granted on 01.05.2010 and covering a pharmaceutical product) in a district court of India. Brown wishes to invalidate the patent on 01.06.2011. Brown can—

- a. File a revocation petition at the IPAB
- b. File a revocation petition at the High Court
- c. File a counterclaim in the District Court asking that the patent be revoked
- d. File a post grant opposition to the patent

24. An Application for registration of title or interest in a patent shall be made in:

- a. Form 12
- b. Form 14
- c. Form 16
- d. Form 20

25. A post-grant opposition may be filed

- a. By any person
- b. Before the expiry of a period of 12 months from the date of publication under section 43
- c. Before the expiry of a period of 12 months from the date of publication under section 11A
- d. Before the expiry of 12 months from the date on which the Controller writes in the file 'GRANTED'.

26. On which of the following grounds the controller has the power to pass an order under Section 15?

- a. Grounds for Opposition under S. 25(1)
- b. Grounds for Opposition under S. 25(2)
- c. Application does not comply with the requirements of the Act and Rules
- d. Both a & c

27. As per the Indian Patent Act, a resident in India:

- a. Is free to file a patent in a foreign country without first filing the said patent in India.
- b. Can file a patent in a foreign country only under the authority of a written permit sought in the manner granted by the Controller
- c. Can file a patent in a foreign country only after filing a PCT application on the same subject matter.
- d. Can file a patent in a foreign country only after grant of the said patent in India

28. The time period for paying the renewal fee, without extension as per section 142(4) is _____ from the date of recording of the patent

- a. 3 months
- b. 2 months
- c. 1 month
- d. 15 days

29. Opposition board is constituted—

- a. On the receipt of notice of opposition by order in writing
- b. With two Examiners who have not examined the patent before
- c. With four Examiners who have not examined the patent before
- d. With three Examiners who have examined the patent before

30. Secrecy directions are periodically reviewed, reconsidering the relevance of an application by the Central Government at intervals of—

- a. 2 months
- b. 3 months
- c. 4 months
- d. 6 months

Part B

31. Statement 1: The first statement of objection shall be issued by the Controller to the applicant within one month from disposal of examination report by the Controller.

Statement 2: The time for putting an application in order for grant is 12 months after the 2016 amendment of the Patent Rules.

- a. Statement 1 is true, 2 is false
- b. Statement 1 is false, 2 is true
- c. Statement 1 and 2 both are false

d. Statement 1 and 2 both are true

32. Statement 1: An invention relating to atomic energy can be patented in India.

Statement 2: The Central Government may direct the Controller to revoke a patent relating to atomic energy.

- a. Statement 1 is true, 2 is false
- b. Statement 1 is false, 2 is true
- c. Statement 1 and 2 both are false
- d. Statement 1 and 2 both are true

33. Statement 1: The claim or claims of a complete specification can have more than one inventive concepts.

Statement 2: If an independent claim is revoked all the dependent claims will be revoked.

- a. Statement 1 is true, 2 is false
- b. Statement 1 is false, 2 is true
- c. Statement 1 and 2 both are false
- d. Statement 1 and 2 both are true

34. Statement 1: A request for examination of application shall be filed within 48 months from the date of priority or date of filing of application, whichever is earlier.

Statement 2: If a request for examination for a patent application has not been filed within the prescribed period, then the application is treated as withdrawn

- a. Statement 1 is true, 2 is false
- b. Statement 1 is false, 2 is true
- c. Statement 1 and 2 both are false
- d. Statement 1 and 2 both are true

35. Statement 1: Any amendment to a complete specification before the grant of the patent shall be examined and investigated in a like manner as the original specification

Statement 2: The examination and investigations of a patent does not in any manner act as the proof of validity of the patent

- a. Statement 1 is true, 2 is false
- b. Statement 1 is false, 2 is true
- c. Statement 1 and 2 both are false
- d. Statement 1 and 2 both are true

36. Statement 1: The Controller may limit the number of requests for expedited examination to be received during the year

Statement 2: An Applicant may file a request for expedited examination in the prescribed form and with the fee by electronic transmission only

- a. Statement 1 is true, 2 is false
- b. Statement 1 is false, 2 is true

- c. Statement 1 and 2 both are false
- d. Statement 1 and 2 both are true

37. Statement 1: An amendment of complete specification may include the priority date of the claim

Statement 2: An amendment within the complete specification shall be made only without changing the scope of the claim

- a. Statement 1 is true, 2 is false
- b. Statement 1 is false, 2 is true
- c. Statement 1 and 2 both are false
- d. Statement 1 and 2 both are true

38. Statement 1: An order rejecting a pre-grant opposition is not appealable to the IPAB

Statement 2: An order from a post grant opposition is appealable to the IPAB

- a. Statement 1 is true, 2 is false
- b. Statement 1 is false, 2 is true
- c. Statement 1 and 2 both are false
- d. Statement 1 and 2 both are true

39. Statement 1: Representation for opposition under Section 25(1) shall be filed in Form 7

Statement 2: The Notice of Opposition under Section 25(2) shall be made in Form 7A

- a. Statement 1 is true, 2 is false
- b. Statement 1 is false, 2 is true
- c. Statement 1 and 2 both are false
- d. Statement 1 and 2 both are true

40. Statement 1: Any person interested may give notice to the Controller of his opposition to the surrender of the patent.

Statement 2: If the Controller accepts the patentee's offer to surrender he may direct the patentee to return the patent and shall order for the revocation of the patent.

- a. Statement 1 is true, 2 is false
- b. Statement 1 is false, 2 is true
- c. Statement 1 and 2 both are false
- d. Statement 1 and 2 both are true

Part C

41. Which of the following statements are true with respect to an abstract?

- a. Start with the title
- b. Explain the background and the application of the invention
- c. Provide brief technical information on the invention
- d. Be not more than 150 words

42. The Claims in a specification shall:

- a. Include background of the invention
- b. Define the scope of the invention for which protection is claimed
- c. Be clear and succinct and be fairly based on the matter disclosed in the specification
- d. Relate to a single invention or to a group of inventions so as to form a single inventive concept

43. Which of the following is correct with respect to drawings?

- a. Drawings form a part of the specification
- b. Drawings shall be sufficiently large to show the inventions clearly and dimensions shall not be marked on the drawings
- c. Sketches which would require a special illustration of the specification shall appear in the specification itself
- d. No descriptive matter shall appear on the drawings except in flow diagrams

44. Which of the following statements are true with respect to the powers of the Controller?

- a. The Controller can summon and enforce the attendance of any person
- b. The Controller cannot receive evidence on affidavits
- c. The Controller can award costs
- d. The Controller can subject to the provisions of the Act can correct any clerical error in any specification

45. Which among the following is correct with regard to Opposition Board?

- a. The opposition board is constituted for both pre-grant and post grant opposition
- b. The opposition board consist of 3 members of which one of them would be the chairman
- c. On receipt of the recommendation of the Opposition Board and after a hearing the Controller shall order either to maintain or to amend or to revoke the patent.
- d. An examiner who has dealt with the application for patent during the proceeding for grant of patent thereon shall not be eligible for a member of the Opposition Board

46. Ramesh and Suresh make a patent application in Indian Patent Office naming Ashok as the true and first inventor. The application should be examined when—

- a. Ramesh files a request for examination
- b. Suresh files a request for examination

- c. Ashok files a request for examination
- d. Another interested person Z files a request for examination

47. A request for expedited examination can be filed in the following cases—

- a. If the applicant is a Startup
- b. If the applicant is a Natural Person
- c. In an international application, India has been indicated as the competent International Searching Authority
- d. In an international application, India has been elected as an International Preliminary Examining Authority

48. If the Controller is satisfied that the patent application does not comply with the requirements of the Act or the rules, then he may—

- a. Refuse the application
- b. Ask the applicant to withdraw the application
- c. Require the amendment of the application to his satisfaction
- d. Refer the application to the IPAB for their consideration

49. Which of the following is true with regard to restoration of lapsed patents—

- a. If a patent has ceased to exist due to failure to pay the renewal fee then an application for restoration of lapsed patents has to be made within the prescribed time period.
- b. If a patent has ceased to exist due to failure to pay the renewal fee then an application for restoration of lapsed patents has to be made within 12 months from the date on which the application ceased to exist
- c. The Controller shall publish the application if he is prima facie satisfied that the failure to pay the renewal fees was unintentional
- d. The Controller shall publish the application if he is prima facie satisfied that there has been no undue delay in making the application

50. As per section 92, if the Central government is satisfied, it may make a declaration to that effect, by notification in the Official Gazette under these circumstances

- a. National emergency
- b. Extreme urgency
- c. Public non- commercial use
- d. Bi-lateral treaty with another country