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INTELLECTUAL PROPERTY RIGHTS (IPR)

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A Case Law on Patenting of Microbiological Invention

A landmark decision has been awarded by the Calcutta High Court on 15th January, 2002 in respect of patenting of inventions involving micro-organisms in a case filed by Dimminaco A.G. against the decision of the Controller General of Patents, Designs and Trademark.

The Appellant had filed a patent application for an inventive process of preparing infectious Bursitis vaccine. The application was turned down by the Patent Office on the ground that the process did not constitute an invention under the Act. No reason(s) was assigned for this decision. The Court took a serious note of the fact that quasi-judiciary duties of the office had not been adequately discharged.

During the arguments before the Court, the Patent Office maintained that an inventive process must lead to an article or a substance. An article according to the Patent Office implied material thing, item, a thing of a particular class or kind as distinguished from a thing of

any class or kind. It was further argued that only an inanimate object can be denoted as a thing or item and not a living one. It was therefore concluded that a vaccine with the living organism could not be considered substance. Hence, the process of preparing a vaccine having a living entity cannot be considered 'manufacture'. The appellant argued that the terms 'manufacture' and 'substance' had not been defined in the Act and therefore one would have to rely on the meaning provided in a dictionary. The appellant also brought to the notice of the Court that the Patent Office on earlier occasions had accepted applications in respect of new processes which included cells, virus and other microorganisms.

The Patent Office submitted that all the patents mentioned above involved lyophilizing which means freeze drying which was interpreted by the Patent Office as death of the microorganism. However, it was found that the lyophilizing put the microorganisms in dormant state which did not necessarily mean death of microorganisms.

The Court held the following:-

1. Controller erred himself in law by holding that merely

because end product contains live virus, process involved is not an invention. And as there is no statutory meaning of 'manufacture', dictionary meaning should be accepted which does not exclude a vendible product containing living organism from it.

2. The claims of the patent should have been considered by Controller on principle of Section 3 of Patent Act. No objection was raised by the Examiner under Section 3.
3. The order passed by the Controller that the process does not lead to manufacture of substance also cannot be accepted as it leads to vendible product. It is certainly a substance after going through the process of manufacture.
4. From the records placed it is already clear that patent has been granted by authorities where end product contains living virus. But the respondent's stand that lyophilizing means killing of living cells cannot be accepted. As even the dictionary meaning explains it as freeze drying. It is a preservation technique in

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which nothing is killed or destroyed. (Ref. Willey's Encyclopedia of Food Science & Technology, Vol. II pg., 1106 & 1107 and Vol. III pg., 1633).

5. Learned counsel for respondent had argued in desperation that if on investigation it is found that end product of patents so granted contain living virus, Controller will take steps for revocation of grant of aforesaid patents. However the said stand is contrary to law as revocation of grant of patent is governed under Section 64. According to it, procedure for revocation can be initiated on:
a) petition by an interested party, b) petition by central Government, c) on a counterclaim in a suit for infringement of patent.
6. Therefore, this submission is not acceptable to Court. In light of this the Order of Controller is quashed and appeal allowed.

Court also said that the application of the petitioner may be reconsidered for grant of patent as early as possible, but no later than 2 months from production or service of this judgment on them.

The judgement opens up new opportunities for obtaining patents in India on microorganism related inventions which were hitherto not granted. Further, the importance of definitions in the Act has been clearly brought out. The law cannot be left to the interpretation of individuals. There has to be a consistent interpretation which should follow some logic.

Integrating Intellectual Property Rights and Development Policy- A Report Prepared by the Commission on Intellectual Property Rights. For whom the Report stands?

The Commission on Intellectual Property Rights was set up by the British government in May 2001 on finding out how national IPR regimes could be designed to benefit developing countries within the context of international agreements, including IPR, how the international framework of rules and agreements might be improved and developed, the relationship between IPR rules and regimes covering access to genetic resources; and suggesting broader policy framework needed to complement IP regimes through competition policy and law. The Commission submitted its report in September 2002. Prof. John Barton from Stanford University chaired the Commission and the members were Dr Mashelkar, Prof. Correa from the University of Buenos Aires, Argentina, Dr Gill Samuels from Pfizer Inc, Dr Sandy Thomas from Nuffield Council on Bioethics, London and Mr. Daniel Alexander, an IP barrister in London. The report has advocated a case for developing countries to have an IPR regime which most suits their social, economic and cultural conditions and also stated that these countries will have difficulty in abiding by the TRIPS provisions. Going into the next level of details, one observes the following features in the report:-

1. The report covers patents, copyrights, geographical indications and plant variety protection. It does not

address industrial design, trademarks, protection of undisclosed information (trade secret) and protection of IC Layout design.

2. Developing countries have been divided in two categories namely, those which are technologically advanced and those which are not technologically advanced. Recipes suggested for the two categories are little different. It states that developing countries are far from homogeneous, a fact which is self-evident but often forgotten.
3. On the copyright front the report has not come out with any policy statement, which is at variance with the principles of the Berne Convention or TRIPS. Curiously, it recommends that the developing countries should try to obtain low cost business software products, including open source products. The report appeals to the publishers etc. to review their pricing policy. In fact, copyright issues are gaining importance day by day in the network (internet) situation and need to be addressed in detail. It also talks about reverse engineering for development of interoperating applications. (The Indian Copyright Act already provides for it).

4. It does not recommend

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Integrating ...

- patent protection for plants and animals. A sui generis system for plant protection and protection of farmers' rights has been advocated. India has already enacted the Plant Variety and Farmers' Rights Protection Act.
5. The report has recommended restricted application of patenting in agricultural biotechnology consistent with TRIPS and adoption of restricted definition of microorganisms. This is some how not in line with the earlier recommendation.
 6. Although the report recommends inclusion of information on geographical source of biological material in patent documents, yet suggests some exceptions as well. This disclosure should not be mandatory in case it is impossible to identify the source. It also says that the issue should be further discussed in the TRIPS Council. The position taken by the report is different from that taken by the developing countries all these years and seems to be more influenced by the viewpoints of developed countries. It should be noted that in the latest Amendments to the Patent Act, India has already provided for this and a much more stringent clause.
 7. In regard to geographical Indications (GI) the recommendations are lukewarm. The initial recognition is there but the stand is rather weak in respect of developing countries. It goes on to say that there is no clear vision/ statement whether developing countries would benefit through GI or not. UNCTAD has been identified as an agency to look into various issues such as actual or likely cost of introducing GI under TRIPS, role of GI in the development of countries and likely benefit of providing additional benefits to wines and spirits. It makes it difficult for the developing countries to take a stand on this point in the TRIPS Council.
 8. The report dwells on patents very extensively. Some noteworthy recommendations for patent reforms are : (a) exclude from patentability software and business methods, (b) avoid patenting of new uses of known products, (c) provide for exhaustion of rights, (d) provide for compulsory license and government use, (e) apply strict standards for novelty, inventiveness and industrial application or utility (consider higher standards than currently applied in developed countries), make use of strict patentability and disclosure requirements to prevent unduly broad patents and (f) provide low cost opposition and reexamination of patents. The recommendations on novelty and strict patentability and disclosure requirements will make our system like the one followed by developed countries.
 9. Utility patents may be introduced for small innovations. Some studies should be done to establish the utility of the proposed system.
 10. It very correctly mentions that developing countries should carefully assess the pros and cons of harmonizing patent laws of countries as the process may not take into account the interest of developing countries. A caution has been raised in regard to the WIPO action in launching the Patent Law Treaty. This is an interesting point.
 11. The report often talks of donors' role in developing IPR systems in developing countries. These donors could be WIPO, EPO and developed countries. In fact it suggests that WIPO may increase its fees (e.g fees for PCT applications) to generate more revenue to have donor programmes. The suggested route will be detrimental to developing countries and may even be contrary to the policies of WIPO. Donor funds are also recommended for upgradation

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of enforcement system.

12. It is recommended in the report that developed countries should not press for anything which is in addition to TRIPS. This gives an indication that developed countries may press for TRIPS plus conditions in future negotiations.
13. While talking of capacity building in IPR in the developing countries, the Indian experience is not quoted which is perhaps the most interesting experience in developing countries.
14. It is mentioned that developing countries with no or weak technological infrastructure may be adversely affected by higher prices of importing IP protected goods. For technologically advanced developing countries, IPRs may be important to facilitate access to protected high technologies, by foreign investment or by licensing. These statements have not been supported by data or experience. India's experience in this regard has been little different.
15. The report states that no direct or indirect evidence exists to show that FDI will improve if strong IP system exists.

Readers can access the report from the web site www.iprcommission.org and come to their own conclusions.

Case Study on an Apparatus for Micro-machining and Micro-drilling

The present study deals with analysis of a US patent "Method and Apparatus for Precision Laser Micro-machining" granted in May 2000 and assigned to United States Enrichment Corporation, USA. This is a continuation application of an earlier application filed in 1995. The invention deals with precision micro-machining with lasers.

Prior Art and Drawbacks

Laser machining has been used extensively in automobile, aerospace and electronics industries. They are used in sheet metal cutting, drilling and milling. Lasers are also used to scribe wafers, trim passive film elements and obtain alloy p-n junctions of semiconductors. Lasers have become popular due to the fact that they can be used for small and unique structures in all types of materials including ceramics and composites. However, there are some drawbacks.

1. Material removal based on conventional carbon dioxide or YAG lasers is primarily through melt expulsion which leads to poor dimensional control, a sizeable recast layer and micro cracks on the hole sidewalls.
2. Material removal during drilling is less controllable.
3. Due to reduced ability to focus the laser beam, it is difficult to produce micro sized holes with large aspect ratio (hole depth to diameter).

Summary of the Invention

The present invention provides a

method and apparatus for micro-machining and micro-drilling which results in a machined part of high surface quality. The system uses a near diffraction limited, high repetition rate, short pulse length, visible wavelength laser. The laser is combined with a high speed precision tilting mirror and suitable beam shaping optics, thus allowing a large amount of energy to be accurately positioned and scanned on the workpiece. In one embodiment a cover plate is temporarily attached to the workpiece to allow deposition of vapours from the workpiece during the machining process, thus helping in achieving a good surface. In another embodiment the laser beam is passed through a half wave plate before impinging on the workpiece. By rotating the half plate it is possible to randomize the polarization making cutting direction unimportant.

Description of the Invention

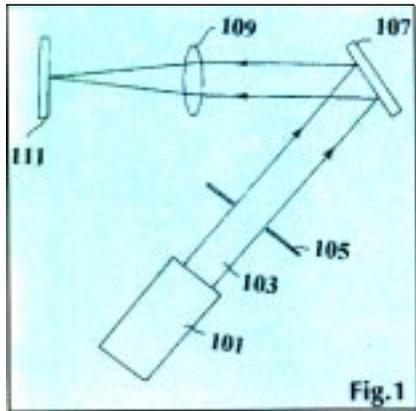
FIG. 1 is an illustration of a laser micromachining system according to the present invention, the system utilizing a near diffraction limited laser system, a precision wavefront tilting mirror, and focussing optics. A laser 101 produces an output laser beam 103. Laser beam 103 preferably passes through an aperture 105 prior to impinging on a precision tilting mirror 107. Precision tilting mirror 107 directs laser beam 103 through beam focussing optics 109 onto part 111.

In order to achieve precision micromachining, laser 101 must produce a near diffraction limited beam, preferably better than 2 times the diffraction limit. This high quality beam is required in order to achieve a small, well

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Case study...



defined spot size, a necessary characteristic for precision micromachining. A short laser pulse output with a high peak power ensures that the material removed during the micromachining process is primarily the result of laser ablation, thus resulting in little recast layer formation. A high repetition rate on the order of multi-KHz allows high speed micromachining to be performed. A visible wavelength laser, for example a copper laser operating at 511 or 578 nanometers, has negligible surface plasma absorption as compared to IR and ultraviolet (UV) lasers. This characteristic leads to better coupling between the laser light and the material, resulting in smaller undesired plasma heating of the material. Frequency doubled green Nd:YAG lasers are known which exhibit the above characteristics.

Precision x-y tilt mirror 107 is used to scan the focussed laser beam on the material to be machined, thus defining the machined feature size and shape. The mirror preferably has voltage controlled x and y axis drives that are capable of microradian tilt control at 1 to 1000 Hz. This

tilting mirror has two tilting axes capable of microradian tilt control at 500 Hz for large signals and 2 KHz for small signals.

To perform precision laser machining, the size of the laser beam on part 111 is reduced to a near diffraction limited spot of micron scaled size. Focussing optics 109 may utilize either one or more lenses, one or more curved mirrors, or some combination of the two. When a laser spot with a well defined pattern is required on part 111, focussing optics 109 images an apertured laser beam on part 111. The shape of aperture 105 is only limited by the specific application. Preferably the system has diffraction limited performance over its aperture so that laser beam propagation angle tilts are faithfully reproduced as position changes in the focal or image planes at part 111.

Claims

The patent has 19 claims in all. A few of them are as follows :

1. An apparatus for precision micromachining and microdrilling a workpiece, comprising:

a laser beam produced by a laser, wherein said laser beam has a beam quality better than 2 times the diffraction limit, a pulse length less than 1 microsecond, a repetition rate greater than 2 kHz, and a wavelength that is in the visible range;

an x-y tilt mirror to direct and scan said laser beam onto said workpiece, wherein said x-y tilt mirror comprises voltage controlled x and y axis drives that are capable of microradian tilt control at 1 to 1000 Hz;

a half-wave plate, said laser beam passing through said half-

wave plate prior to impinging on said workpiece;

a rotation mechanism coupled to said half-wave plate (at 100 Hz); and

focussing optics to reduce the size of said laser beam to a near diffraction limited spot size (1 micron) prior to said laser beam impinging on said workpiece.

2. The apparatus of claim 1, further comprising a cover plate attached to a front surface of said workpiece, said cover plate collecting vapor deposits during said precision micromachining and microdrilling process.

3. The apparatus of claim 6, wherein said cover plate is comprised of a metal foil.

4. The apparatus of claim 7, wherein said metal foil has a thickness in the range of 0.001 to 0.002 inches.

5. The apparatus of claim 1, further comprising a back cover plate attached to a back surface of said workpiece, said back cover plate collecting vapor deposits during said precision micromachining and microdrilling process.

Novelty in the Invention

1. It has an effective focusing optics.
2. Method of tilting mirrors to reduce the hole size and roundness errors, typically to less than a few micron.
3. The concept of using a cover plate to allow condensation of vapours on the cover plate and not on the workpiece.
4. Design and use of half-wave plate for randomizing the polarization of the laser beam.

Patenting Software by Indians

It is known to all that India's software industry earns a lot of foreign exchange for the country. Obviously, the industry could not achieve so much if it was not highly knowledgeable and did not have a large pool of highly skilled software professionals and other professionals to help converting their effort into market. A study of patents filed by them would be extremely useful in determining the innovation track on which the industry is contemplating to move. A word of caution is needed at this point. The Indian Patent Act until recently i.e., before the latest amendments, was silent on the issue of software, which had promoted varied interpretation of the law. Therefore, the industry could have possibly avoided filing of applications in India. However, ever since India became a signatory to TRIPS, the Indian companies could have filed their patent applications in developed countries. The present analysis is based on the software related patent applications filed by Indians / Indian companies in India and other countries.

The data regarding filing of applications in India is quite interesting. Most of the software related applications (as inferred from the titles of applications) filed during the period of the study i.e., 1999- 2001 have emanated from individuals rather than well known companies. Many software companies would be under the category of small scale industries which may be proprietorship companies. As filing fees for individual is only Rs. 1500/- as compared to Rs. 5000/

- for company, filing in an individual's name may have been adopted as a preferred choice. In all 83 applications were filed during the period. The table below gives the names of individuals and companies who have filed these applications.

Individuals

Anand Keshav Soman
Arun Jain
Ashish Belagali
Ashok Kheny
Columbus Sivashunmugam
Dhanasingh Navamani
Divakara Ramesh
Dr Krishnamurthy Sridharan & Butteddi Rajesh Kumar & Dr Kothandaraman Srinivasan
Dr. Fazal Raheman
Harivadan L Parikh Sharadben H Parikh & Vidyut H Parikh Maharashtra Jaipuria Amit
Jaishankar Sidhanand Nirody
Kakarla Satyanarayan
Kotwal Milind
Peri Venkata Suryanarayana Avadhani
Puneet Gupta, Chandigarh. India.
Raghunathan Valagam Rajagopal
Ramachandran Ramanathan
Ratan Chandra Dapsi
Rohit Bansal India
Saravanan Manickam
Shah Regeshkumar Mahendrabhai
Sri R.V.S.S. Avadhanulu
Srinivas Polisetty Dr. Naveena Nagi
Subhash Y Pawar Maharashtra
T Arvind
T Sony Roy
T Sunil Raj
Tejendra Garg
Tirumala Prasad Siripurapu
Valagam Rajagopal Raghunathan
Yajnik Birad
Yashpal Singh Anirudh Singh Manu
Singh And Lokinder Singh Verma

Companies

Audiocodes Ltd
Bharatplanet Com. Ltd
Council Of Scientific And Industrial Research
Easy Netcom Pvt. Ltd; New Delhi, India
Inabling Technologies Pvt Ltd
India Online Pvt. Ltd New Delhi. India
Indian Institute Of Technology
Banyan Network Pvt. Ltd
Joint Fortune Technology International Co Ltd
Karomi Technology Pvt Ltd
Kudrollis Software Inventions
Mitra Pankaj Kumar
Mr Shyama Singh

Muttusagara Venkatachalaiah
Manjunatha
Myespace Net Private Limited
NA Vijayashankar
NIIT Limited, New Delhi, India
Ompac Technologies Limited New Delhi, India
Patrot Automation Limited
Pioneer Integrated Networks Pvt Ltd
Silicon Automation System Ltd
Sony India Limited, New Delhi, India
ST Microelectronics Ltd U P
Tata Consultancy Services
Maharashtra
Tata Infotech Limited Maharashtra
Tata Institute of Fundamental Research
Texas Instruments India Limited
U I System Design Ltd
University Of Delhi India
Vhs Soft Technologies Company Limited
Webdunia.Com India Ltd

A study of the top 20 export oriented Indian software companies was made to see their patent portfolio outside the country. ST Microelectronics have filed 8 applications in the US Patent Office and all of them have been published. Apparently, WIPRO's unit based in USA got a US patent in 1999 on network management using browser based technology. Most of the inventors in this patent are Indian citizens. Kudrollis Software Inventions Pvt Ltd, a Mumbai based company, received a US patent in August 2001 on abbreviating and compacting text to cope with display space constraints in computer. Satyam Enterprise Solutions Ltd, India and In Touch Technologies based in USA received a joint US patent in 2001 on telephony platform.

The amended Patent Act has excluded patenting of computer software per se. The term per se is not defined in the Act. However, it would generally be construed that a software which has a practical application or a technical effect may not remain a software per se.



PFC on the move

PFC organised 14 patent awareness workshops including one in Mauritius. Four of these workshops were held in association with Ministry of Small-Scale Industries. These workshops were held in Allahabad, Agartala, Chennai, Coimbatore(2), Faizabad, Hyderabad, Gorakhpur, Mumbai, Mauritius, Shimla, Nellore, Vishakhapatnam and Tezpur. About 1500 scientists, technologists and policy makers were sensitized during this workshops.

PFC was entrusted by Department of Science & Technology, Government of India with the responsibility of conducting two day IPR awareness workshop in Mauritius on request of Mauritius Research Council, the apex body under the Government of Mauritius for Science & Technology. The delegation was led by Shri R Saha, Adviser DST, Director PFC.



(Workshop for Women Scientists at Chennai)

The Department of Science and Technology has come out with a scheme for women scientists under which the women scientists shall be trained in the skill of patent searches and preparing specialised reports and empower them for self-employment in this area. PFC shall identify institutions all over the country and setup patent information centres to train women in patent searches, analysis of patent documents, procedures for filing patent applications and so. The scheme was officially launched by Prof. V.S.Ramamurthy, secretary, DST, at the patent awareness workshop conducted at Meenakshi College for Women, Chennai and was attended by 120 women scientists.

The six monthly meeting of all the Patent Information Centres to review their progress and future plans was held at Shimla on July 26, 2002.

Shri R Saha delivered a public lecture on "Protection of Traditional Knowledge and IPR and Other Issues" during the Governing Council Meeting



(Workshop at Nellore : Media Coverage)

of the Centre of Science and Technology for Non-Aligned Countries and other Countries held in Cairo, Egypt on September 14, 2002. The well-received lecture was attended by representatives from 18 countries and officials of the Egyptian government.

An "Advanced Training Programme on Patent Searches" was organised from September 29 to October 1, 2002 with emphasis on International Patent Classification (IPC) system. The programme also included chemical structure searches in respect of chemical entities using STN databases. The programme was attended by 21 officials from PICs setup by PFC and other govt. departments like Dept. of Atomic Energy, Indian Council of Medical Research, Indian Council of Agricultural Research, Ministry of Communication Information Technology, Ministry of Non-Conventional Energy Resources, Defence Research and Development Organisation and Andhra Pradesh Technology Development and Promotion Centre (APTDC). The most important aspect of the training was the hands on training on computers using CD-ROM and internet.



(Participants of Training Programme at Delhi)

Eleven patent applications were filed during the period including 3 in USA and one PCT application. Two US patent applications filed in 2000 were accepted for grant by USPTO.

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Litigation Watch

- According to a Supreme Court decision in Italy, a partial copy of a software program, including copy of the source code or even certain code lines, may constitute infringement of copyright.
- A federal court in the US has ruled that two Bayer products infringe patents held by McNeil-PPC and that Bayer should pay \$ 6.2 million. The sum of the damages was decided on the basis that McNeil's lost profits amounted to \$ 300,000 and that \$ 5.9 million would have been a reasonable royalty amount for a license to use the process.
- Adobe systems Inc has won US \$ 2.8 million in a patent infringement suit against Macromedia Inc. The dispute was over Adobe's re-configurable tabbed palette patent which covers the way its software displays multiple sets of information in the same area of the computer screen.
- Pfizer Inc has illegally filed a suit in a New Jersey court against Ranbaxy Laboratories alleging infringement of its patent on DIFLUCAN, an anti-fungal drug. Pfizer's patent on the drug expires in January 2004 and the company has sought to extend the term by another 6 months. Ranbaxy on the other hand claims that Pfizer's patent is invalid.
- As a result of the lawsuit going between World Wildlife

Fund and World Wrestling Federation over the initials WWF, World Wrestling Foundation shall now be called World Wrestling Entertainment (WWE).

- A US court has ruled against Dr Reddy's Laboratories and other generic drugmakers in a patent infringement case over the antibiotic Cipro. Several drugmakers, led by Schein Pharmaceuticals Inc, Mylan Laboratories and Dr Reddy's US subsidiary, Reddy Cheminor Inc, had challenged the validity of a Bayer patent on Cipro expiring in December 2003.
- Computer Associates International Inc (CA) is suing rival quest Software Inc, accusing the company and four employees of stealing software source code, developed while working for a company CA bought in 1999.
- Novartis Corporation, has filed a lawsuit against Dr Reddy's Laboratories Ltd alleging patent infringement by the latter. Dr Reddy's Laboratories had filed an abbreviated new drug application (ANDA) with the US Food and Drug Administration (USFDA) for terbinafine HCl' tablets, equivalent to 250 mg base with a Paragraph - IV certification on the patent '4,755,534'. Subsequently, the company notified Novartis on the issue, following which the lawsuit was filed. Terbinafine HCl' is the generic version of Novartis' Lamisil, a drug

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International News

- According to two reports published by Eurostat in March 2002, R&D expenditure and patenting activity in Europe is concentrated in geographical 'Centres of Excellence' . Out of 211 regions, 28 accounted for over half of all R&D spending in 1997. Regions in Germany, France, the United Kingdom and Finland devoted the highest proportion of GDP to R&D.

(Innovation & Technology Transfer, Vol 4 No 2, July 2002)

- UK Patent Office has brought out a guide titled, "Managing Intellectual Property" which provides strategic advice to universities about how to safeguard their creations and inventions. It also shows how a well managed IP portfolio can make universities more attractive as partners for research sponsors and ensure that researchers have access to the results of their research for future projects and teaching.

- Qatar has come out with a new "Copyright and Neighbouring Rights Law" repealing the old 1995 law of Intellectual Works and Copyrights. In the new law, moral and financial rights have been elaborately treated besides other things such as restrictions on copyrights and neighbouring rights.

(Copyright World, August 2002)

- The UK Copyright and Trade Marks (Offences and Enforcement) Act has come into effect. It will strengthen existing criminal provisions of UK intellectual property law. The Act will amend criminal provisions of

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Litigation watch...

- indicated for the treatment of onychomycosis. The drug in the form of tablets, had recorded about \$ 460 million brand sales in the US market during last year.
- Honda Motor Co has sued the Chinese government to reclaim a motor - scooter patent it contends was stolen by three Chinese companies. The lawsuit comes amid repeated promises by the Chinese government to increase protection for patents, copyrights and other intellectual property after being admitted into the World Trade Organisation.
 - In a major victory for the ailing jute industry, jute manufacturers Development Council (JMDC) successfully fought to revoke a UK- based firm's patent for use of hessian cloth to cover waste and dumping grounds. The firm, Geohess, received the European patent under the head of invention which gave it exclusive rights in almost all European countries and charged 60 per cent royalty. The patent was challenged jointly by IJMA, JMDC and Indian Jute Industries Research Association after they learnt about royalty for Geohess. After a keen contest in the European Patent Office, an August 13 order in favour of JMDC revoked the grant thereby making use of hessian for waste cover again available free of monopoly.

- Gemstar-TV Guide International Inc suffered a serious and embarrassing setback at the International Trade Commission when an ITC administrative law judge ruled that three of the company's patents for an on-screen interactive program guide have't been infringed. In addition, the judge determined that "no domestic industry" exists for the three patents, meaning that the three companies Gemstar sued are permitted to import the cable TV set top boxes that incorporate the patented technology.
- Altera Corporation and Xilinx, Inc have settled all patent litigation between them. As part of this agreement, Altera and Xilinx have entered into a royalty-free patent cross license agreement and signed a patent peace agreement prohibiting further patent litigation between the two companies for the next five years. In connection with this agreement, Xilinx will receive a one-time payment of \$ 20 million from Altera. All other terms of the agreement are confidential.
- Rodel Inc has settled all pending patent infringement litigation involving Cabot Microelectronics Corporation and Cabot Corporation. The litigation involved patents for slurry technology. None of the parties involved in the litigation admits liability in the settlement. Rodel will receive a \$1 million payment from

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International News

UK copyright and trade mark law. The maximum penalty for certain offences under the Copyright, Designs and Patents Act 1998 (the "CDPA") will be increased from two to ten years imprisonment.

(Copyright World, August 2002)

- The European Patent Office (EPO) has announced that the volume of applications filed rose again in 2001. Its 158,200 filings beat the previous year's mark of 143,000. In terms of technical fields, the largest numbers of filings were in the fields of electronics communications, medical technology and electrical components.

EPO granted 34,700 patents, in 2001, 26% more than the year before (27,500 in 2000). The largest numbers of European patents went to US applicants (8,600), followed by Germany (8,100), Japan (6,600) and France (2,800).

The international route under the Patent Cooperation Treaty (PCT) was once again the preferred approach to filing, accounting for 64% of applications (62% in 2000). 48.8% of applications came from the 20 countries in the European Patent Organisation, 27.7% from the USA and 18% from Japan. Applications from Japan experienced the biggest rise followed by the USA and Germany. Applications were also considerably more active in the Netherlands, the United Kingdom, Sweden Finland and Switzerland.

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Patents for Opposition

The following patent applications have been accepted by the Patent Office and published in the Gazette of India. These can now be opposed by filing opposition applications within a period of four months from the dates given. Six digit numbers allotted after acceptance by the Patent Office are given before the applicant names and patent application numbers given in brackets. Names of the branches of the Patent Office are denoted in the application number, e.g. 'Bom' for Bombay branch. An opposition application should be submitted at the appropriate office where the concerned application was originally filed.

PATENT APPLICANTS

A. July 6, 2002

187841. Bollic & Kemper, Germany
416/Cal/96

187842. Universite De Sherbrooke
of Boulevard De, Canada 422/Cal/96

187843. Harnischfeger
Technologies Inc, USA 433/Cal/96

187844. Brose Fahrzeugteile
GmbH, Germany 455/Cal/96

187845. Daewoo Electronics of
Ltd, Korea 460/Cal/96

187846. Hoechst Aktiengesells-
chaft, Germany 481/Cal/2000

187847. E I Du Pont De
Nemours, USA 483/Cal/96

187848. Central Mine Planning &
Desion Institute Ltd, India 539/Cal/96

187849. Mcneil Ppc Inc, USA
639/Cal/96

187850. Emitec Gesellschaft Fur
Emissions Technologies, Germany
959/Cal/96

187851. Allaseas Group,
Switzerland 144/Mas/95

187852. T Sendzimir Inc, USA
146/Mas/95

187853. Mannesmann Aktien
Gesellschaft, Germany 172/Mas/95

187854. Minnesota Mining And
Manufacturing Co., USA 256/Mas/95

187855. Societe Des Produits
apparatus thereof

Nestle Sa, Switzerland 472/Mas/95

187856. Sree Chitra Tirunal
Institute For Medical Sciences &
Technology, Trivandrum 1206/Mas/95

187857. Societe Des Produits
Nestle Sa, Switzerland 1447/Mas/95

INVENTION

A process for preparing acrylic copolymers

A device for conducting a depth first search
in a codebook for encoding a sound signal

Blasthole drill having improved automatic
breakout wrench

Vehicle door with a modular structure

Motion compensation apparatus for use in
an image encoding system

A process for preparing a dyestuef mixture
of mater soluble fiber reactive azo dyestuff

A penetration resistant article

An improved continuous carboniser for the
production of domestic coke from coal

An absorbent product particularly a sanitary
napkin and a method of manufacture of an
absorbent product

Catalytic converter for vehicles with
internal combustion engines especially for
the catalytic cleansing of exhaust with large
proportion of hydrocarbons

Apparauts for laying a pipeline on a floor
located under water

A crown adjustment system for a 20 high
(1-2-3-4) cluster mill

Continuous casting plant and a method for
the manufacture of thin slabs

Apparatus for assembling wire connectors

A process for producing pasta and an
apparatus thereof

A process for the preparation of steroid
loaded chitosan beads

A method and a device for manufacturing
frozen aerated liquid based food product

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International News

Some 54% of applications (52.4% in 2000) came from ten technical fields with particularly high levels of patent activity. The highest growth rate registered by the EPO was in data processing, which rose by 25% to 6300 applications. Biochemistry/ genetic engineering was up nearly 19% with 4,200 applications, the main factor here being the sharp rise in applications from EPO member states which were more productive than the USA for the first time since 1997.

Overall 23.2% (21.8% in 2000) of all European patent applications related to the high-tech sector.

(Patent World , August 2002)

- Derwent Information study has shown that in UK, technology companies have dominated patent applications in 2001. Of the top ten ranked companies, six filed a large number in the engineering technology sectors, ranging from telephone and data transmission systems, broadcasting, radio and line transmission systems, and digital computers fields.

- The US Patent and Trademark Office (USPTO) has announced the award of partnership contracts for the electronic filing of patent applications as part of its strategic plan to five companies, namely, Aspen Grove Inc, AutoDocs, LLC, First to File, Inc, LegalStar Inc and Lexis Nexis. The partnership are "no cost contracts" which means that the companies will be providing their services to USPTO

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187858. Akzo Nobel N V of Velperweg, Netherlands 1557/Mas/98	A pprocess for the production of heparin
187859. Central Drug Research Institute Of Chattar Manzil, Lucknow 1521/Mas/98	A process for the resolution of racemic 2 3 diaryl 2h 1 benzopyrans and
187860. Revlon Consumer Products, USA 1930/Mas/98	Pigmented cosmetic stick compositions
B. 13 July, 2002	
187861. Ishikawajima Harima Heavy Industries Co Ltd, Australia 365/Cal/96	A method of casting steel strip
187862. Toshiba Machine Co Ltd, Japan 521/Cal/96	An apparatus for setting a program profile for controlling the injection speed of an injection plunger of an injection molding machine
187863. Toshiba Machine Co Ltd, Japan 522/Cal/96	An apparatus for setting up a program profile in the control of the injection speed of an injection molding machine
187864. General Electric Co., USA 789/Cal/96	Apparatus for maintaining a predeter mined pressure on a squireel caage assembly during the process of brazing rotor bars tc end rings
187865. Atofina Chemicals Inc, USA 837/Cal/96	Liquid methyltin halide compositions
187866. Emitec Gesellschaft Fur body Emissions technologies, Germany 905/Cal/96	Apparatus for producing a honeycomb and a process thereof
187867. Borealis Polymers Oy, Finland 1227/Cal/96	A method of producing a cable sheathing composition
187868. Medinol Ltd of Kiriati Atidim, Israel 857/Cal/99	A connector for an artiuated stent
187869. Mitsui Chemicals Inc, Tokyo Japan 248/Cal/2000	A process for producing an aromatic hydroxy compound
187870. Mastercard International Inc, USA 456/Cal/2000	A system for conducting a cashless transaction
187871. American Telephone & Telegraph Co., USA 688/Mas/94	Telecommunications system
187872. Analogic Corp, Massachusetts USA 1141/Mas/94	An x-ray tomography system
187873. Analogic Corp, USA 1142/Mas/94	An x-ray tomographic scan apparatus
187874. Analogic Corp, USA 1145/Mas/94	A medical imaging system
187875. Saudi Basic Industries Corp, Germany 1152/Mas/94	A catalytic process for the production of linear alpha-olefins through oligomerisation of ethylene
187876. Andritz-Ahlstrom, Finland 56/Mas/95	An apparatus for mixing large amoun gas
187877. Schneder Electric Sa, France 91/Mas/95	Differential trip unit
187878. Widia GmbH Germany 181/Mas/95	Cutting tool insert especially for milling
187879. Sree Chitra Tirunal Institute, India 224/Mas/95	A process for coating a silver compound
187880. Padmanabhan Mahalingam, Tamil Nadu 568/Mas/95	A line jack unit with isolation facility

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International News
customers at no cost to the agency. Each of the five companies will pursue its own business plan and integrate its own technology for providing its customers with simple, convenient and secure electronic submissions to the USPTO. This will supplement the USPTO's current electronic filing system.

- Spain has adopted a new Trademark Law which came into force on July 31, 2002. The principal changes are summarized below:
 - The Declaration of Use will no longer be required to support the renewal of a trademark registration.
 - A single application will now be able to cover several classes of goods and /or services.
 - The Spanish Trademark Office will no longer cite ex officio prior marks its considers to be similar to the mark being examined.
 - The owner of a senior trademark who has acquiesced in the use and/ or registration of a conflicting mark for 5 consecutive years may not thereafter object to the use and / or registration of the junior mark, unless he can prove bad faith.
 - A provision for the exhaustion of rights has been introduced.
 - The new Act re-establishes the possibility of filing an opposition on the basis of Article 8 of Paris Convention, under which a trade name is protected without registration.

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187881. CSIR, New Delhi 1021/Del/90	An electronic device for time delay and low/high voltage protection
187882. CSIR, New Delhi 844/Del/92	An improved process of the extraction of cobalt nickel and copper from the converter slag containing metal values by microbial leaching
187883. The Gillette Co, USA 1063/Del/92	A safety razor
187884. The Procter & Gamble Co. USA 1083/Del/92	An absorbent article
187885. CSIR, New Delhi 1277/Del/92	A process for the manufacture of plastic slates and plastic slates manufactures thereby
187886. Chief Controller Research & Development Minst, New Delhi 806/Del/93	A process for the manufacture of hemispherical shapes for use to manufacture gas bottles for aerospace use
187887. Zeneca Ltd, England 856/Del/93	A method for the preparation of a2-hydroxyaryalldoxime
187888. Honda Giken Kogyo Kabushiki Kaisha A Corp, Japan 944/Del/93	Intake device for motorcycle
187889. CSIR, New Delhi 1019/Del/93	A process for the preparation of poly alkylene terephthalate containing at least 3 carbon atoms from polyethylene terephthalate (pet) waste useful as an engineering thermoplastic
187890. Angilco Ltd, An Indian Co. India 1042/Del/93	An air filter for high horsepower engines
C. 20 July, 2002	
187891. Daewoo Electronics Co Ltd Korea 1703/Cal/95	Apparatus for controlling caption data display on a wide aspect ratio screen
187892. Siemens Aktiengesellschaft, Germany 592/Cal/96	A gas turbine airfoil for the use in erosive and corrosive environment
187893. Instytut Ciekziej Syntezy Organicznej Blachownia, et al Poland 622/Cal/99	Method for obtaining bisphenol a
187894. Phillips Petroleum Co, USA 652/Cal/96	A process for producing hydrocarbons from a hydrocarbon bearing formation
187895. Bodycote Diamond Black Inc, USA 836/Cal/96	An article comprising a substrate and a coating
187896. Siemens Aktiengesellschaft, Germany 850/Cal/96	A high-voltage overhead line conductor
187897. Johnson & Johnson Inc, Canada 865/Cal/96	A disposable sanitary absorbent article for of manufacture and apparatus thereof adhesive securement and a method
187898. Engelhard Corp, USA 1068/Cal/96	A catalyst structure
187899. Kawasaki Steel Corp, Japan 1393/Cal/96	An apparatus for applying high temperature refractory material to the wall surface of a coking chamber in a coke battery
187900. Torrent Pharmaceuticals Ltd, Calcutta 49/Cal/2000	Process for producing purified biologically active free from of recombinant human interferon gamma
187901. UWE Sonnerein Germany 0622/Del/92	A method of purifying sewage to obtain clean water storing in basin for further use and device thereof
187902. Isap Omv Group A Joint Stock Co. Italy 80/Del/93	Apparatus for thermoforming of hollow objects

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(g) Well-known marks have been more clearly defined and granted broader protection.

(h) The concept known as restitution in integrum (i.e re-establishment of rights) has been introduced.

(i) Titles of Establishment have been abolished.

- The Korean Ministry of Information and Communication has established a Domain Name Dispute Resolution Committee (DDRC) within the Korea Internet Network Information Centre (KRNIC), the agency responsible for the management of .kr and .ccTLD domain names. The committee's aim is to provide a speedy and cost-efficient means of resolving disputes involving .kr domain names.

- Zimbabwe has introduced a two-tier scale of official fees requiring all foreign applicants to pay fee in US\$. The Zimbabwe government has also introduced a substantial increase in official fees for trademarks, patents and designs. These new fees came into effect with no prior warning, on 16 June 2002. Uganda, Kenya, Ghana and Zambia also require payment of official fee in US\$.

- The European Patent Office has granted a patent to MorphSys AG, Martinsried, Germany, covering its Human Combinatorial Antibody Library (HuCAL). The patent titled "Protein / (poly) peptide libraries", covers methods for the construction of synthetic, fully modular human antibody libraries based on consensus sequences.

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187903. Morgan Construction Co. USA 785/Del/93	A rolling mill
187904. Nye Trays Inc, USA 804/Del/93	Downcomber for use in distillation column
187905. Ele Atochem Sa, France 3203/Del/97	Process for the preparation of 4-amino-1,2,4-triazole
187906. Laboratories Fournier Sa, France 0040/Del/98	A method for preparing a pharmaceutical composition
187907. Gracelinc Ltd, New Zeland 089/Del/98	Process for obtaining glucan having a lower average molecular weight than in its native state from cereal
187908. The Chief Controller of Research And Development, India 358/Del/98	An improved process for preparation of 2-deoxy-d-glucose
187909. Zeneca Ltd, England 0577/Del/98	A process for the purification of a diphenyl ether compounds
187910. UCB Sa, Belgium 651/Del/98	A process for preparation of fermented milk product
187911. The Procter & Gamble Co. USA 1053/Del/93	A process for preparing a polyhydroxy fatty acid amide surfactants
187912. Bharat Heavy Electricals Ltd, New Delhi 1078/Del/93	A coal based sponge iron plant having a natural circulation unified heat recovery steam generator (hrsg)
187913. Bharat Heavy Electrical Ltd, New Delhi 1079/Del/93	A fired heat recovery steam generator superheater device
187914. CSIR, New Delhi 1086/Del/93	An improved process for the preparation of polyester polyol useful for the preparation of the ankle block component of the artificial foot
187915. CSIR, New Delhi 1087/Del/93	A process for the preparation of ankle block component useful for artificial foot
187916. The Gillette Co., USA 1097/Del/93	A shaving device
187917. Motorola Inc, USA 1110/Del/93	A selective call receiver apparatus
187918. General Electric Environmental Services Inc, USA 1119/Del/93	A process for the production of ammonium sulfate and absorption of sulfur oxides
187919. Health Care Technology Australia Pty Ltd, Australia 1147/Del/93	Intravenous delivery system
187920. Evans Deakin Pty Ltd, Australia 1154/Del/93	Apparatus for the discharge of bulk materials from a vehicle
D. 27 July, 2002	
187921. The Goodyear Tire & Rubber Co, USA 814/Del/93	Apparatus for making a cured rubber substrate with a graphic messaceregadable by a scanning unit.
187922. Terrence Jeffrey Corbishley, United Kingdom 860/Del/93	Marine apparatus facilitating its transportation in water
187923. The Goodrich Co, USA 899/Del/93	A method of producing an interpolymer
187924. CSIR, New Delhi 959/Del/93	A process for the preparation of monolith support for incorporating a catalyst
187925. CSIR, New Delhi 992/Del/93	A process for the preparation of jojoba oil analogues from non-edible seed oils
187926. United Syndicate Insurance Ltd, Bermuda 1002/Del/93	A display device for three-dimensional images

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National Dairy Development Board (NDDDB), has filed a patent for world's first combination vaccine containing DNA and low doses of cell culture vaccine for treating rabies. The company has developed the vaccine in association with Indian Institute of Science, Bangalore. The animal toxicity tests of the vaccine have been conducted at the National Institute of Nutrition, Hyderabad. A PCT application has also been filed.

(The Economic Times, 27 Sept. 2002)

- The Kerala State Centre of the Institution of Engineers (India) has set up a Centre for Intellectual Property Management for providing assistance and guidance to individuals and organizations in matters relating to IPR. The Cell will seek to build adequate expertise to become a locally accessible modern nodal agency that offers full IPR-related consultancy and support. The centre will conduct regular lectures, seminars and workshops with a view to raising the expertise and awareness levels on IPR matters as required in the emerging post-WTO scenario. It will have a full-fledged library and will feature an exhaustive information system on IPR. The centre will also undertake research projects on IPR and related issues.

(Business Line, 26 June, 2002)

- The Federation of Indian Chambers of Commerce and Industry (FICCI) has suggested a

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187927. Kameshwar Nath Mallik An Indian National, New Delhi 1050/Del/93	A process for the preparation of acetylene
187928. Gec Alsthom T & D Sa, France 1075/Del/93	High-voltage circuit-breaker of self blasting type
187929. CSIR, New Delhi 1083/Del/93	A process for improving emulsifying power kof saponin
187930. CSIR, New Delhi 1084/Del/93	A process for improving emulsifying power of saponin
187931. CSIR, New Delhi 1160/Del/93	An improved scrubber useful for pollution control
187932. Institut Francais Du Petrole, France 1177/Del/93	A process for the preparation of olefins form hydrocarbon feedstock
187933. K-Tron Technologies Inc, Wilmington 1190/Del/93	Mechanical feeder having a hemispherical hopper
187934. The Procter & Gamble Co. America 1208/Del/93	A free formed prong
187935. Imperial Chemical Industries Plc A British Co., England 1211/Del/93	A process and an apparatus for the separation of less volatile organic and/or odoriferous substance
187936. Gillette Canda Inc, Canada 1224/Del/93	Toothbrush
187937. CSIR New Delhi 1235/Del/93	A process for the production of fluxed composite reduced iron pellets
187938. Norsk Hydro As, Norway 1260/Del/93	An improved process for producing a flaky or granular filtercake by the treatment of an aqueous soot/ash water slurry
187939. Honda Giken Kogyo Kabushiki, Japan 1310/Del/93	Control apparatus for an electric vehicle
187940. Department of Electronics, New Delhi 1372/Del/93	An improved process for the recovery of water soluble strontium sulfide
187941. The Lubrizol Corp, USA 1093/Del/93	A lubricating composition
187942. Alledsignal Europe Services Techniques, France 1134/Del/93	Brake motor
187943. Gough Holdings [Engineering] Ltd, England 1145/Del/93	Bucket elevator conveyor apparatus
187944. The Procter & Gamble Co. A Corp, USA 1184/Del/93	A dye transfer detergent composition
187945. BP Chemicals Ltd, England 1188/Del/93	Process for the preparation of zieglernata type catalyst having a granular support based on refractory oxide
187946. Patentes Talgo S A, Spain 1194/Del/93	Bogies for railway vehicles with variable gap between wheels
187947. CSIR, New Delhi 1264/Del/93	An improved process for the production of wear resistant ceramics using fly ash
187948. Howden Group Plc, United Kingdom 1281/Del/93	Heat exchanger
187949. Research Pt Ltd, Australia 1335/Del/93	An apparatus in effecting a broadcast
187950. Pucadyil Ittoop John, India 1385/Del/93	A plasma nitriding furnace

Patents for Opposition

The patents notified for opposition till September 2002 are continued in the Supplement along with this Bulletin.

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higher level of protection for goods like Basmati rice, Darjeeling tea, Alphonso mangoes and Kolhapur slippers under the TRIPS Agreement. The Agreement governs the protection of geographical indications. The chamber feels it is an anomaly that high protection is available only to wines and spirits. Such protection should be extended to all products of export interest like Basmati rice, Darjeeling tea, Alphonso mangoes and Kolhapuri slippers.

(Business Standard, 25 June, 2002)

- Hindustan Lever Ltd (HLL) has filed a patent for a new technology called 'alphos'. Alphos is a substitute for oil-based soaps. This move could lead to HLL achieving control over the critical pricing element in soaps.

(Financial Express, 13 August, 2002)

- Amendment in the Patents Bill have not been received too well overseas. According to the pharma body, Organisation of Pharmaceutical Producers of India (OPPI), there is a general feeling that these are halting steps and that a much more positive policy framework is needed. In the absence of a full-fledged product patent regime and an assurance and implementation of data confidentiality of the innovator companies, no major investments would come to India.

(Financial Express, 31 July, 2002)

- A US patent has been granted to Indian scientists on the use of cow urine distillate as bio-enhancer. The patent has

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been granted for a pharmaceutical composition containing an antibiotic and cow urine distillate in an amount effective to enhance the anti-microbial effects of antibiotic and antifungal agents.

(Financial Express, 4 July, 2002)

• According to a recent study conducted by the Confederation of Indian Industry (CII) on the emerging IP awareness and patent applications, Ranbaxy Laboratories Ltd has filed the highest number of PCT applications during the period January - June, 2002 among the Indian pharmaceutical companies. Around 240 PCT applications have been filed by India since January this year. Of this the pharmaceutical industry has a majority share. While Ranbaxy Laboratories has filed 27 PCT applications, Dr Reddy's Laboratories has filed nine applications. Orchid Chemicals and Pharmaceuticals has filed six applications and Sun Pharmaceuticals has filed five applications. The study also reveals that India has emerged as the third developing country in terms of PCT applications during this period.

(Business Standard, 10 August, 2002)

• Nicholas Piramal India has filed its first patent for an anti-cancer molecule, code named NP 102. The company has filed an application in India and the US.

(Business Standard, 12 July, 2002)

• BI Ltd, the Rs. 107 crore pharmaceutical packaging major,

has applied for five Indian patents for innovative packaging material, distribution and design. It already exports its packaging material to Australia and Korea.

(Business Standard, 17 September, 2002)

• Electrolux Kelvinator Ltd (EKL), has applied for a patent for its latest "washy talky" technology. The technology works on an interactive voice response system, which guides the user of the washing machine through the complete wash process by voice instructions in English and Hindi. The 6 Kg capacity machine priced at Rs 16,000 was launched in Chennai, Bangalore Hyderabad and Kochi recently.

(Business Line, 13 September, 2002)

• India, Pakistan and nine other countries have sought an amendment in the TRIPS to guard against biopiracy and avoid conflicts between TRIPS and the Convention on Biodiversity (CBD). According to the suggested amendments, every application for a patent should disclose the source and country of origin of the biological resource and of the traditional knowledge used in the invention. In addition, prior informed consent through approval of authorities under the relevant national regimes would be mandatory.

(Economic Times, 8 August, 2002)

• The European Union has launched an initiative in the WTO to protect products with unique geographical indications. The EU has presented two communications on geographical

indications to the TRIPS Council of WTO. The initiative was co-sponsored by all the 15 member states, along with more than a dozen other countries, many of them from the developing world, including India. EU considers it an opportunity for the EU and developing countries to work hand-in-hand at the WTO in protecting their high quality agricultural produce and cultural heritage.

• CSIR has developed a novel computer based method for genome-wise comparison of organisms, and has obtained a patent on it. The invention useful for identification of potential drug targets could also perform the function of a drug screen for broad-spectrum anti-bacterial as well as the function of specific diagnosis of infections. An application (WO-0174130 publication dated November 10, 2001) has been filed. The product described in the application is a "computer-based method for identifying conserved invariant peptide motifs". The computational method involves creation of peptide libraries from protein sequences of several organisms and subsequent comparison leading to identification of conserved invariant peptide motifs.

(The Economic Times, 26 Sept, 2002)

• Dr Reddy's Laboratories is aggressively challenging various patents for invalidation in the US to gain exclusive marketing rights on these drugs for a period of six months. The pharma major is currently contesting at least six patents abroad for successful

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invalidation. The patent challenging in the US may cost anywhere between \$ 1.5 million and \$ 10 million, but if one succeeds, the returns are more. Further, as per the Hatch-Waxman Act, there are no penalties to be paid by the company if it does not succeed after challenging a patent.

(The Financial Express, 18 Sept, 2002)

- Experts on patent regulations have demanded that the recent decision of the government to join UPOV 1978 be debated in Parliament. At a discussion on 'Why India should not join UPOV' organised by civil rights organisations, experts were of the opinion that instead of joining UPOV, India should in co-operation with other developing countries, form an alternate forum for protecting farmers' rights vis-à-vis breeders' rights.

(The Economic Times, 11 July, 2002)

The European Union has proposed new trade rules that, it

says, would allow developing countries to have essential drugs made abroad without patent holders' permission. The EU suggested modifying World Trade Organisation rules that protect drug patents to give poor nations without a pharmaceutical industry the right to buy cheaper copies of medicines from outside their country, breaking patents held by companies such as Bayer AG and Merck & Co.

(Business Line, 25 June, 2002)

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Litigation Watch...

Cabot Microelectronics, and will grant Cabot microelectronics a license for the specific patents that were the subject of the litigation and their foreign equivalents.

- EMR Microwave Technology Corporation has reached a settlement in the US patent lawsuit with Progress Materials Inc (PMI) by which the parties have agreed to dismiss their respective suits against each other. According to the

agreement the parties have not entered into any license arrangements with respect to each other's technology and each party will be responsible for its own legal costs in the present suit. The parties have agreed that this settlement allows each to compete openly in the market place and avoids further litigation costs.

- Kirkland based Image X Inc has filed a patent infringement suit against Print Technologies Inc., alleging that Print has infringed on its patent covering automation of the prepress process.

- Dr Reddy's Laboratories Ltd has announced that the US Food and Drug Administration (USFDA) has granted final approval for the company's abbreviated new drug applications (ANDA) for Ciprofloxacin tablets (100, 250, 500 and 750 mg). The company is awaiting an appellate court's decision on its action to invalidate the '444 compound patent.

Please send us questions and topics you would like to see in the coming issues

NEXT ISSUE

- **Case Study**
- **Case Law**
- **Patents for Opposition**

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