

VAID ICS LAW

DAILY LEGAL QUIZ FOR PCS-J/ APO/JUDICIARY

16 JAN, 2025

EXPLANATION:

Qn.1 Ans (a)

Explanation:

- **Section 64** allows for the filing of revocation petitions, either independently or as a counterclaim in an infringement suit, and it must be heard by a High Court.
- On the other hand, **Section 107** only concerns the defense of invalidity in a patent infringement suit, which can be adjudicated by a District Court.
- **Section 64** deals with revocation petitions, while **Section 107** deals with the defense of invalidity in infringement suits.

Qn.2 Ans (b)

Explanation:

- Yes, it is the party's choice to file either a stand-alone petition or a counter-claim.
- The **Delhi High Court** ruled that it is the **choice of the party** whether to file a stand-alone revocation petition under Section 64 or a counter-claim in an ongoing infringement suit. There is no legal limitation that restricts this choice under the Patents Act.

Qn.3 Ans (B)

Explanation:

- Boehringer argued that since the patent for **LINAGLIPTIN** expired in **August 2023**, the revocation petition filed by Macleods Pharmaceuticals should be dismissed as there was no subject matter left to challenge. However, the **Delhi High Court** ruled that the revocation petition remained maintainable as Macleods Pharmaceuticals had a valid cause of action, even though the patent had expired.
- Because the patent expired, and the revocation petition was considered infructuous.

Qn.4 Ans (D)

Explanation:

- **Section 64** lists grounds like **novelty**, **prior art**, and **fraudulent means** as reasons for revocation, but the **commercial viability** of the invention is not one of the specified grounds.
- The invention is not commercially viable.

Qn. 5 Ans (b)

Explanation:

Under the **Patents Act, 1970**, revocation petitions can be filed before the **High Court** or the **Intellectual Property Appellate Board (IPAB)** (before it was dissolved). The jurisdiction to entertain these petitions is vested in the High Court.