

1ST TECHNO LEGAL NATIONAL MOOT COURT COMPETITION, 2016

CLARIFICATIONS

Q1. Page 1 of fact sheet-

The patent was granted to several countries with respect to the physical bitcoins and the factsheet is silent as to the patent for software. Kindly clarify the ambiguity.

Ans1. The facts are limited to the patents mentioned.

Q2. Page two of the fact sheet

The negotiations with respect to granting of patent license was done with PTIL (by its email address) ,although the original permission was sought from PT INC. please clarify as whether si had approached PT INC or PTIL in the first instance?

Ans. 2. The negotiations were done with PTIL and not PT Inc. However, the relevant email conversation is already clear on the same.

Q.3. Page 2 of fact sheet-in the 1st email b/w PTIL and SI time mentioned is 0:39 am, please clarify is it 10:39 am or 00:39 am?

Ans.3. The time is indeed 10:39 am.

Q.4. Page 1 of the fact sheet -please clarify in the name of the parties to the suit - the name of the party is given Sikka industries and anr.-- can u clarify who is anr. ?

Ans. 4. Clarification – There is no ‘another’ party. However, PT Inc is a party along with PTIL.

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Q.5 The factsheet is silent as to whether the defendant (SI) has filed any counter claim for revocation of patent under section 104 of the Patents Act and the said case is transferred to High court under the same presumption. Kindly clarify as to whether there is any counterclaim made by the defendant subsequently to make section 104 operational.

Ans. 5. Clarification – Yes counterclaim for revocation has been made by SI. The same is implicit in the applicability of section 104 for transfer to HC.

Q. 6. Whether PT Inc has Registered Copyright or not, if it has then, the subject matter which PT Inc registered copyright like -(264 lines of the algorithm code / Software or both).

Ans. 6. No, the copyright is not registered.

Q.7. Page 5 of fact sheet (issue 4: is based on Copyright infringement) and as per clarification doc. if there is no copyright registration, then I think, the Copyright infringement question should not be arise here

Ans. 7. No, clarification is required on this point. Research and develop the arguments with your own understanding.

Q.8. Verify the Cause title.

Ans. 8.

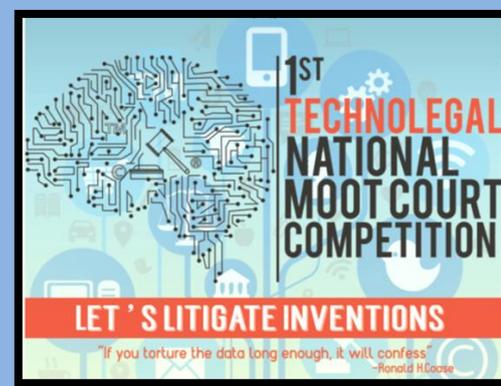
High court of Madras

M/s Palmer technologies India Limited and Another vs. M/s Sikka Industries

Q9. Is there any other claim regarding the grant of patent?

Ans. 9. For the purposes of this moot court competition, only the mentioned claim is to be argued.

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Q. 10. Were all the mails that have been provided delivered to intended email id, specifically the one of 12.39 pm, 20/07/2014?

Ans. 10 The delivery or non-delivery of the mail of 12:39 pm has been mentioned in the fact sheet, Page 2, and it is on the participant to deduce the situation.

Q. 11. Where did the cause of action arise and from which office was the patent to PTINC in India granted?

Ans. 11. Cause of action is for the participants to argue. Regarding the patent office for grant, the same is to be taken to be Chennai.

Q. 12. How was the jurisdiction of Bombay High court invoked?

Ans. 12. Kindly Omit the jurisdiction of Bombay High Court and use High Court of Madras instead.

Q.13. Please clarify the date of filing of the suit in Chennai?

Ans. 13. The ending paragraph of page 3 of the fact sheet clarifies the date of filing of the case at a district court in Chennai and its subsequent transfer to its high court.

Q.14. Please Clarify whether Bombay HC has been correctly mentioned, when the moot problem does not refer to that state?

Ans. 14. Kindly Omit the jurisdiction of Bombay High Court and use High Court of Madras instead.

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Q. 15. Was the onetime payment of Rs. 60,000 and the royalty (as per the 2nd email) ever received by the plaintiff?

Ans.15.No, the payment was not received. An offer to pay was made by SI to PTIL at the end of the financial year 2014-15, which was refused by PTIL.

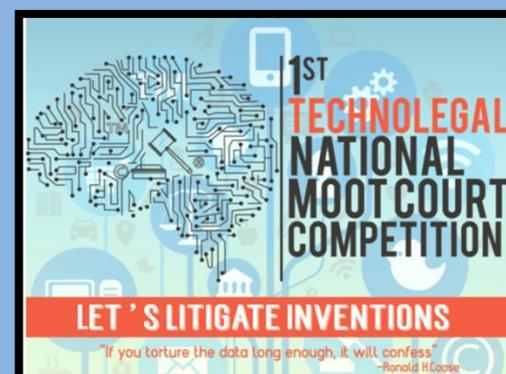
Q. 16. If all the emails between, 12:20 pm and 1:30 pm were erased then what was the source of the confirmatory email timed at 12:39 pm? The mail box of SI or the mail box of PTIL?

Ans.16. The moot proposition has laid out the relevant facts on this matter. No further clarification is necessary.

Q. 17. On page 2 of the Moot proposition, it is mentioned that M/s Sikka Industries later moved to manufacturing of bitcoins. When did the same happen? Before 2011 or After 2011?

Ans. 17. The manufacture of the bitcoins by SI started in the post-July 2014 period.

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GENERAL CLARIFICATIONS

The cause title is:

High court of Madras

M/s Palmer technologies India Limited and Another vs. M/s Sikka Industries

2. On page 3 of the Moot proposition:

Omit 0:39 for the date 20/07/2014 and use '10:39 a.m.'.

3. On page 4 of the Moot proposition

Use High Court of Madras instead of High Court of Bombay.

4. **Both PTIL and PT Inc are the plaintiffs in the Madras High Court**

5. **An offer to pay was made by SI to PTIL at the end of the financial year 2014-15, which was refused by PTIL. Hence, the payment was not received.**

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