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Issue 142

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Problem-Solving⁽²⁾

Problem-Solving involves four basic steps:

- Defining the problem
- Generating solutions
- Evaluating and selecting alternative solutions
- Implementing the solution
- Monitor implementation of the plan and
- Verify if the solution worked

Defining a problem requires understanding the symptoms and the problem and ensuring the real problem is treated not its symptoms. For example, if performance in a department is substandard, the substandard performance is a symptom. The real problem may be lack of training or an unreasonable workload. The solutions could be training or reducing the work-load, depending up on the reason for the manifestation of the symptom of substandard performance of the department. Evaluation of the alternatives requires understanding of the reasons. If the problem is lack of training, reducing work load will not help, and vice versa. Once the problem is identified as, for example, training, then there can be a number of alternative training methods available and depending upon the funds available, ease of implementing the training programs, their effectiveness based on research and suitability for the unique situation of the department and the staff. Brainstorming is a way to generate ideas, and to come up with creative solutions to problems.

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The average person can think up twice as many ideas when working with a group than when working alone⁽³⁾. Successful brainstorming involves more ideas. Brainstorming should provide a free and open environment that encourages everyone to participate. However, brainstorming fails to deliver the expected results in real group settings. To be more successful, it is suggested that each member to develop ideas in individual sessions and then to have these ideas discussed and evaluated in a group session. The task of the group would then consist of evaluation rather than production of ideas⁽⁴⁾.

There are many methods to develop ideas. Some of them are listed below⁽⁵⁾:

The Stepladder Technique: This technique involves introducing one person at a time.

Brainwriting: This is a written approach, where each participant writes ideas on a form and passes the form to the next person in the group. The process is repeated until all participants get back their own forms with added new ideas.

Online Brainstorming or *Brain-netting*: Participants contribute ideas online using a single document on a central server, e.g., a Cloud-based system or Intranet.

Crawford's Slip Writing Approach: To get ideas from a large group of people, all participants provide ideas by writing anonymous and independent input.

Reverse Brainstorming: This involves reverse engineering the problem to be solved.

Starbursting: Starbursting is a systematic method of asking questions defining new ideas and viability.

Charette Procedure: The Charette Procedure involves organizing people into several small groups, each of which brainstorms ideas one-after-the-other until everyone involved has had a chance to contribute fully.

Round-Robin Brainstorming: The "Round robin" is a group brainstorming setting that relies on an iterative process building off consecutive contributions by each participant.

Rolestorming: This technique involves viewing problems and solutions from a different standpoint by role-playing.

Patentability

A mathematical method, business method, computer *program per se*, algorithm etc. are not patentable inventions within the meaning of the Section 3(K) of the Patents Act 1970, as amended. The Indian Patent Office provided a new guideline for patent examiners explaining the terms used in this section and directs examiners to reject claims if the novelty or inventive-step lies only in mathematical method, business

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method, computer program or algorithm, unless claimed in conjunction with a novel hardware. The aim of the new guideline is to bring in uniformity and consistency in examination of patent applications and to bring out clarity in terms of exclusions expected under section 3(k) so that eligible applications for patents in the field of Computer Related Inventions (CRIs) can be examined speedily by the Indian Patent Office (IPO)⁽⁶⁾.

On the other hand, the Multinational Pharmaceutical companies continue to face challenges in India. The success story of pre-grant oppositions can be showcased with the Indian experience. The IPO had set aside the patent to Abbott for rheumatoid arthritis drug Humira, in review of a pre-grant opposition filed by Glenmark Pharmaceuticals. The decision came after the Delhi High Court asked the IPO to consider Glenmark's pre-grant opposition as a petition to review the earlier decision of the controller. It was concluded that Humira, as claimed, lacks inventive step as being obvious to a person skilled in the art and insufficient and ambiguous as described in the specification. Thus, Abbott's Indian patent No 234555 is void. The IPO has refused patent application of German drug major Bayer Healthcare AG for a form of tosylate salt of its anticancer drug Sorafenib, known under the brand Nexavar, on the grounds of lack of inventive step and Section 3(d), based on the pre-grant oppositions filed by Natco Pharma Ltd and Fresenius Kabi Oncology Ltd. It appears, India and US may reach to a common ground after all. Over the past few years, the Supreme Court's decisions in *Alice*⁽⁷⁾, *Mayo*⁽⁸⁾, *Myriad*⁽⁹⁾, and other cases relating to subject matter eligibility under 35 U.S.C. § 101 have resulted in significant changes in how the United States Patent and Trademark Office (USPTO) examines patent applications. The USPTO has issued several guidelines in view of the court rulings⁽¹⁰⁾.

Law School Debt⁽¹¹⁾

Like all of higher education, law school tuition has increased greatly over the last few decades. Between 1985 and 2013, median tuition increased almost 6-fold at private law schools and more than 12-fold at public law schools. Outstanding student loan debt now tops \$1 trillion overall. Most student loan debtors owe less than \$25,000. However, a typical law school graduate is with student debt approaching \$100,000, about 44% of law students expect to graduate owing student loans, 67% of these students owe more than \$120,000. In 2012, the average debt for graduates of private law schools was \$127,000; and \$88,000 for public law school graduates.

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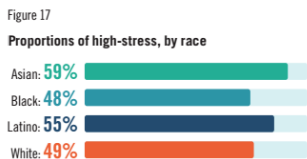
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It is obvious that people from poor background will have more debt than people from rich background, irrespective of the ethnic background. Applicants with high scores in the Law School Admission Test (LSAT) tend to have the best chances of being offered both admission and lucrative scholarships, impacting the debt. Associations between standardized tests, including the LSAT, and family income and wealth are well-documented. Students from more affluent backgrounds are not only more likely to have access to family and personal funds for tutoring and coaching to score highly on the LSAT and funds for law school, but also access to the most generous scholarships due to high LSAT scores. It would be easy to find ethnicity as one of the reasons for the disparity, as a contributing factor.

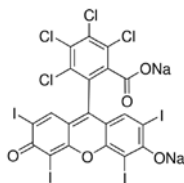


For each race and ethnicity, the hierarchy of stressors was the same as overall, with academic performance and academic workload being the most prominent stressors. The highest proportion of respondents who identified concerns about academic performance and academic workload as sources of high levels of stress was among Asian and Indian respondents, concerns about job prospects were sources of high stress for Black and white respondents, and concerns about finances were most intense among Latino and black respondents. Highest stress was among Asians and Indians, while the lowest stress was among Blacks.



Serendipity

Serendipity⁽¹²⁾ is one of the leading components in drug discovery, along with the rational drug design. Early attempts to discover new drugs and new cures were based on intuition and empirical observation, and products of fortunate accidents such as Pencillinas (antibiotic), Viagra (erectile dysfunction), AZT (HIV/AIDS infection), LSD-25 (psychedelic), disulfiram (alcoholism), Meprobamate (anxiolytic), Chlordiazepoxide (sedative/hypnotic), Chlorpromazine (antipsychotic/ antihistaminic), Imipramine (antidepressant), Iproniazid (antidepressant), etc. A recent example of such serendipity is Rose Bengal against cancer. The name, Rose Bengal, arose presumably from the fact that the deep rosy red



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color was similar to that of the dot in middle-of-the-forehead of women of Bengal region of the Indian Continent⁽¹³⁾.

A German patent #32584 was granted in Basel, Switzerland in 1882 to Gnehm for a new family of wool dyes combining halogens with fluorescein, and one of them that ultimately included four iodines took the name Rose Bengal. Rose Bengal is a cheap industrial chemical that turns yarn and food bright red that has been used as a diagnostic staining agent. The salt was first patented in 1882 as a wool dye and has been used for years as a diagnostic stain in tests for jaundice in newborns and to detect eye damage. It was its color-imparting properties, however, that led to Rose Bengal's predominant medical use; in 1914 Römer, Cobb, and Lohlein reported on its role in combating ocular pneumococcal infections when added to Safranin Victoria Yellow. Kleefeld's discovery, in 1919, that Rose Bengal was an effective stain for visualizing corneal ulcers opened the door to its widespread use as an ocular biological staining agent. Rose Bengal's potential against cancer was discovered by accident⁽¹⁴⁾.

Privacy Shield⁽¹⁵⁾

The European Commission has finalized the reform of EU Data protection rules, which apply to all companies providing services on the EU market, negotiated the EU-US Umbrella Agreement ensuring high data protection standards for data transfers across the Atlantic for law enforcement purposes, and achieved a renewed sound framework for commercial data exchange: the EU-US Privacy Shield that replaces the struck down Safe-Harbor by the European Court of Justice.

On February 29, 2016, the European Commission issued the legal texts for the EU-US Privacy Shield and a Communication summarizing the actions taken over the last years to restore trust in transatlantic data flows since the 2013 surveillance revelations. Once adopted, the safeguards provided when data are transferred under the new EU-US Privacy Shield are equivalent to data protection standards in the EU. The new framework reflects the requirements set by the European Court of Justice in its ruling from 6 October 2015. The U.S. authorities provided strong commitments that the Privacy Shield will be strictly enforced and assured there is no indiscriminate or mass surveillance by national security authorities.

The Privacy Shield provides effective protection of EU citizens' rights with several redress possibilities such as:

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Complaints have to be resolved by companies within 45 days.

A free of charge Alternative Dispute Resolution solution will be available.

EU citizens can also go to their national Data Protection Authorities, who will work with the Federal Trade Commission to ensure that unresolved complaints by EU citizens are investigated and resolved.

An arbitration mechanism is provided to ensure an enforceable remedy, if a case is not resolved by any of the other means.

Moreover, companies can commit to comply with advice from European DPAs. This is obligatory for companies handling human resource data.

USPTO Fee Update

PCT Fees to Foreign Offices subject to periodic change due to fluctuations in exchange rate.

International search (ILPO), fee decrease from \$917 to \$ 912, effective March 1, 2016.

International search (IPOS), new fee of \$1,578, effective April 1, 2016.

REFERENCES AND NOTES

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Om! Asatoma Sadgamaya, Tamasoma Jyotirgamaya, Mrityorma Amritamgamaya, Om Shantih, Shantih, Shantih! (Aum! Lead the world from wrong path to the right path, from ignorance to knowledge, from mortality to immortality, and peace!)

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