

(b) The Total quantity and value of apples and almonds imported during the years 1997-98 and 1998-99 (the latest available complete year) are as under:—

| | | | Qty: MTs Value: Crores Unit Cost (UC): Rs/Kg | | | |
|---------|----------|-------|--|----------|---------|--------|
| | | | Apples | | Almonds | |
| Year | Quantity | Value | UR | Quantity | Value | UR |
| 1997-98 | — | — | — | 19574 | 280.38 | 143.24 |
| 1998-99 | 2.7 | 0.005 | 19.02 | 19440 | 291.12 | 149.75 |

(Source: DGCI&S, Calcutta)

Country-wise details of imports are given in the monthly/annual number of Foreign Trade Statistics of India published by the Directorate General of Commercial Intelligence and Statistics, Calcutta, Copies of which are available in the Parliament Library.

Filing of Petition before USPTO

2331. SHRI KARNENDU BHATTACHARJEE: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether it is a fact that Government have filed a petition before the Unites States Patents and Trade Marks Office (USPTO) challenging grant of patent on Basmati Rice to Ricetec Inc., Texas two years back;

(b) if so, the reasons for such inordinate delay in filing the petition;

(c) whether it is also a fact that even if India succeeds in its petition before USPTO, it would not be able to prevent Ricetec Inc. from continuing with its patent; and

(d) if so, what is the practical utility of filing the complaint by Government?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (DR. RAMAN): (a) Yes, sir. A petition to challenge limited claims of the patent No. 5663484 titled "Basmati Rice Lines and Grains" granted by United States Patent and Trademark Office (USPTO) on 2nd September, 1997 to M/s Ricetec, Texas, United States of America (USA) was filed in the USPTO on 27 April, 2000.

(b) The filing of the re-examination petition had to be preceded by evaluation and compilation of available scientific data /documents necessary for challenging the said patent. The patent was to be challenged before the USPTO in a fully documented form. It was necessary to ensure that documents should have stand-alone evidentiary value since the re-examination proceedings under the patents law of the USA are held ex-parte, that *is*, there is no oral submission or supplementary submission of documents. In other words, it had to be ensured that whatever documents are filed in respect of the re-examination petition, their evidentiary value under the patents law of the USA should be impeccable. Scientific organisations like the Departments of Scientific and Industrial Research, Department of Agricultural Research and Education, Indian Council of Agricultural Research and the Directorate of Rice/ Research undertook extensive examination and cross referencing of data/documents in order to ensure their evidentiary value under the patents law of the USA. The finalisation of the required scientific data/documents had also to be done in consultation with the patent attorneys. The *matter* had also to be considered interdepartmentally and at other appropriate levels to ensure successful challenge.

(c) and (d) In its present form the said patent also covers "rice grown anywhere in the world". Since this poses a potential threat to India's rice exports, it had been decided to challenge those claims of the said patent. Successful challenge would, therefore, secure India's commercial interests and restrict M/s Ricetec's patent to that extent.