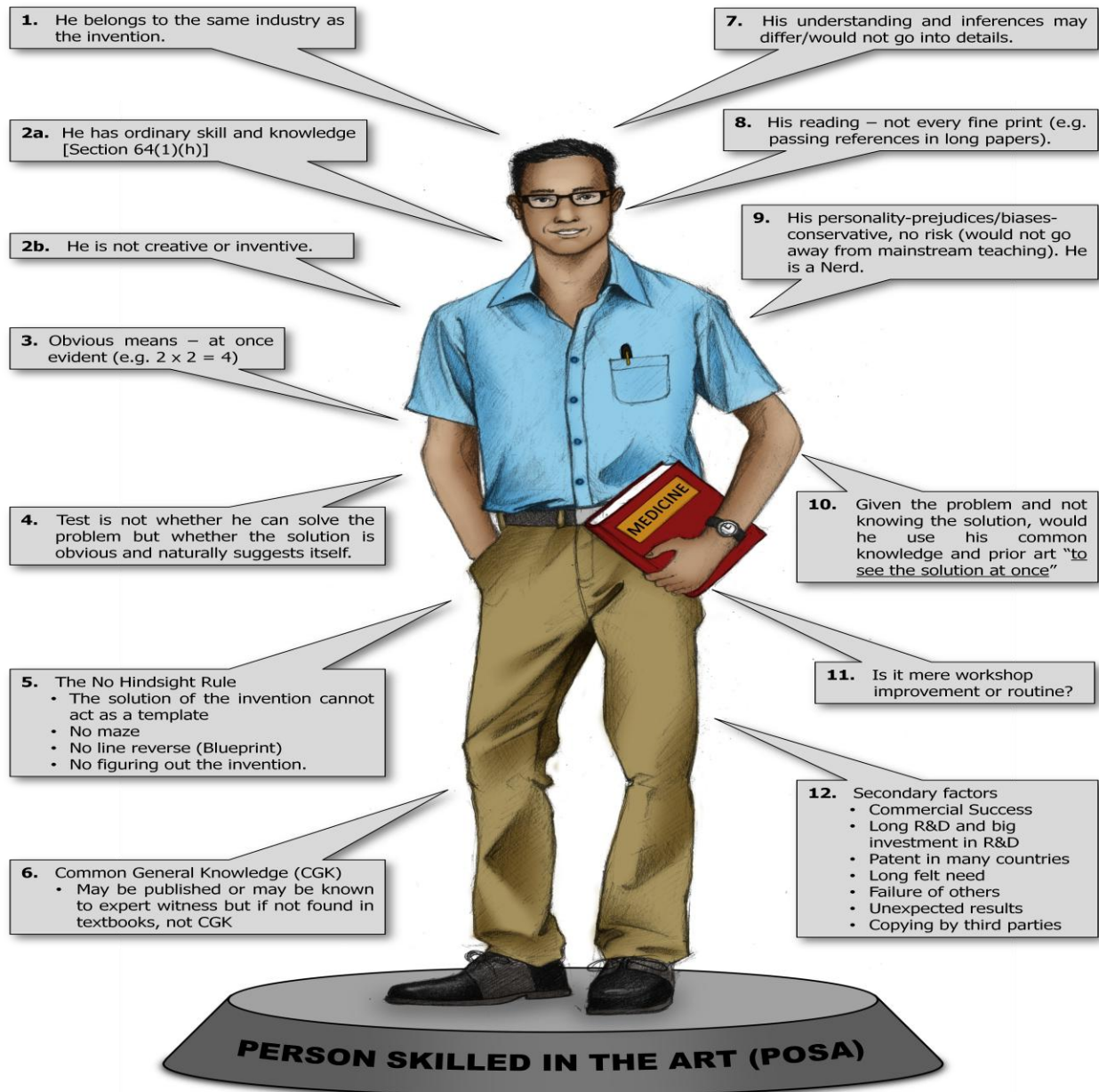


## PERSON OF ORDINARY SKILL IN THE ART – A PERSON WHO IS EVERYWHERE, YET SO HARD TO FIND!

Like it is considered globally, India also acknowledges and confirms the importance of that hypothetical person who holds the key to unlock the strength of a patent.

Since 'Person of Ordinary Skill in the Art' is the most difficult to define and identify, Anand and Anand has simplified the identification through the below self explanatory representation



The above representation represents that hypothetical person who is required to possess the qualities that are contained in the thirteen bubbles surrounding him. The bubbles enumerate the qualities of the POSA which have been judicially settled over the years.

In addition to the above factors, Indian courts have recently held that the POSA/expert could be a person by virtue of his avocation or occupation in the relevant field of invention, even in the absence of education in the field of the invention.<sup>1</sup>

The above representation has been successfully used by Anand and Anand in contentious patent matters, and has been found to be of great assistance by the members of various fora.

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<sup>1</sup> Vringo Infrastructure Inc, and Anr. *versus* ZTE Corporation and Ors. FAO (369) of 2014, Delhi High Court, order dated 13.08.2014