
**BEFORE THE HON'BLE
HIGH COURT OF HILED**

COMMERCIAL SUIT NO. 6 OF 2023

**6TH SURANA & SURANA AND SHAASTRA IIT MADRAS, INTELLECTUAL
PROPERTY LAW MOOT COURT COMPETITION, 2023**

SHRADDHA BHAMBANI.....PLAINTIFF

v.

BROESHIM (INDIA) PRIVATE LIMITED.....DEFENDANT

MEMORANDUM ON BEHALF OF THE PLAINTIFF

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LIST OF ABBREVIATIONS

SR. NO.	ABBREVIATION	FULL FORM
1.	CPC	Code of civil Procedure
2.	Doc	Document
3.	HC	High Court
4.	Hon'ble	Honorable
5.	Inc	Incorporation
6.	Ltd	Limited
7.	Pvt	Private

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STATEMENT OF JURISDICTION

The Petitioner has filed a Commercial suit before the Hon'ble Court of Hiled in the matter of *Shradda Bhambani v Broeshim (India) Private Limited.*, invoking its original jurisdiction under section 104 of The Patents Act, 1970 and Section 20 of the Code of Civil Procedure, 1908. The Rights that are granted for the plaintiff under Section 48 of the Indian Patents Act,19703 have been also infringed by the Defendant. The Plaintiff further invokes Rule 6 (a) to 6 (g) of Code of Civil Procedure, 1908 for filing a counterclaim for Infringement of Patent under Section 64 of the Patents Act, 1970

STATEMENT OF ISSUES

- I. WHETHER THE HON'BLE COURT HAS JURISDICTION OVER THE MATTER AT HAND?

- II. WHETHER THE PATENT UNDER THE BEARING NO. 23X4281 IS A VALID PATENT?

- III. WHETHER THE GROUNDS UNDER SECTION 64(1)(A), (E) AND (F) OF THE PATENTS ACT, 1970 ARE FULFILLED FOR REVOCATION?

STATEMENT OF FACTS

1. Broeshim (India) Private Limited is a subsidiary of Broeshim BV, a company with over 600 patents globally founded in 1998. The company is a pioneering manufacturer of tires in India and is currently the leading supplier of tire and ancillary products in the country. In 2021, Broeshim introduced a puncture-proof tire material with sensors that collect data in India.
2. The Plaintiff, a civil engineer, is an accomplished inventor who has filed for and been granted approximately 200 patents in various fields. In March 2021, she filed for a patent on the "Sensor Embedded Airless Wheel Structure Technology," granted in January 2023 as Patent No: 23x4281. Plaintiff intends to use her invention in India, Germany, and Australia, where her patent is pending.
3. Subsequently, the Plaintiff filed a suit against the defendant in the Hon'ble High Court of Hiled, numbered Commercial Suit No. 6 of 2023, seeking monetary and otherwise reliefs.
4. The Defendants argue that the patent was already in public use before it was granted and, therefore, is revocable under sections 64(1)(a), (e), and (f) of the Patents Act, 1970. They also argue that a mere rearrangement of existing components should not have been granted a patent.
5. The Defendants argue that the Plaintiff lacks technical knowledge and background in commercialization, suggesting that she either does not know how to commercialize the invention or does not want to.
6. The Defendants also raise questions about the insufficient disclosure in the patent, accusing the Plaintiff of being a "Patent Troll" who only seeks to extract money from the Defendants. The case has been brought to the Hon'ble High Court of Hiled for resolution.

SUMMARY OF PLEADINGS

I. THAT THE HON'BLE COURT HAS JURISDICTION OVER THE MATTER AT HAND

The Plaintiff has filed a commercial suit arguing that it is appropriate to do so based on the Commercial Courts Ordinance, 2015, which states that commercial disputes related to intellectual property rights, including patents, should be adjudicated as per the provisions of this Ordinance. Then, Section 104 of the Patents Act, 1970, states that a patent infringement suit cannot be instituted in any court inferior to a district court, and the Hiled Court can be considered a District Court. The third ground is that the Hiled Court has territorial jurisdiction over the present case, as the Plaintiff is located in Hiled.

II. THAT THE PATENT UNDER THE BEARING NO. 23X4281 IS A VALID PATENT

The Plaintiff submits before this Hon'ble Court that the Plaintiff using her experience and intelligence has produced a product which is novel and non-obvious for an ordinary skilled person in the field to anticipate. Through an arrangement of known devices, the Plaintiff has produced new results and thus should be treated as a new invention. Moreover, the Defendants have been selling, using, and making the product for which the Plaintiff enjoys exclusive rights to exploit, and thus the Defendants should be penalized.

III. THAT THE GROUNDS UNDER SECTION 64(1)(A), (E) AND (F) FOR REVOCATION ARE NOT FULFILLED

The counsel on behalf of the plaintiff humbly requests the court succeed with the suit of infringement of patent rights against the defendant as the patent is absolutely valid and the specifications mentioned under plaintiff's first claim specifically talks about the technology and innovation for which the plaintiff had filed for the patent and not the entire tyre and the commercialization of the product will be done after the succession of this suit of infringement against the defendant because the patent was granted in January 2023 and it was important to stop the infringing entities before entering into the commercial market.

ARGUMENTS ADVANCED

CONTENTION I

THAT THE HON'BLE COURT HAS JURISDICTION OVER THE MATTER AT HAND

The Plaintiff has filed a commercial suit before the Hon'ble Court of Hiled and asserts that it is appropriate and valid to do so based on the following grounds:

1.1 THE HIGH COURT HAS ORIGINAL JURISDICTION

The first ground is that commercial disputes, as defined in Section 2(1)(c) of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Ordinance, 2015, shall be adjudicated as per the provisions of this Ordinance. Subsection (xvii) of Section 2(1)(c) defines a commercial dispute as a "dispute arising out of intellectual property rights relating to registered and unregistered trademarks, copyright, patents, design, domain names, geographical indications and semiconductor integrated circuits".¹ Therefore, the present commercial dispute, which arises out of intellectual property rights related to patents, falls within the definition of a commercial dispute under the Ordinance. The same was said in Novartis, wherein the High Court was deemed to have original jurisdiction over such matters and "such matters have to be heard and disposed of by the Commercial Division of the High Court which has the Ordinary Original Civil Jurisdiction irrespective of their pecuniary value"²

1.2 PATENT INFRINGEMENT SUITS CAN BE FILED AT A HIGH COURT

The second ground for filing the suit before the Hiled Court is based on the jurisdictional provisions of the Patents Act, 1970. Section 104 of the Act states that no suit for patent

¹ Subsection (xvii) of Section 2(1)(c) of Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Ordinance, 2015

² Novartis Ag & Anr vs Cipla Ltd CS(OS) 3812/2014 on 9 Jan, 2015

infringement shall be instituted in any court inferior to a district court with jurisdiction to try the suit. However, if the defendant makes a counter-claim for revocation of the patent, the suit and the counter-claim shall be transferred to the High Court for decision.³ Therefore, the High Court has the jurisdiction to try patent infringement cases.

Furthermore, the meaning of the term 'District Court' is assigned by the Code of Civil Procedure, 1908 (CPC). Section 2(4) of the CPC defines the term 'District' as the local limits of the jurisdiction of a principal Civil Court of original jurisdiction, which includes the local limits of the ordinary original civil jurisdiction of a High Court.⁴ In *Penguin Books Ltd. v. M/s India Book Distributors and others*, it was held that the expression 'district court' includes the High Court, which has original jurisdiction. Therefore, the Hiled Court, being a High Court with original civil jurisdiction, can be considered a District Court to hear and decide patent infringement cases.⁵

1.3 THE HIGH COURT DUE TO TERRITORIAL JURISDICTION BECOMES THE APPROPRIATE FORUM

The third ground for filing the suit before the Hiled Court is based on territorial jurisdiction. The jurisdiction of a court to decide a patent infringement case depends on territorial, pecuniary, and subject matter jurisdiction. Territorial jurisdiction is determined by the infringer's location, the area of sale or offers for sale of the infringing products, or where the threat of sale or infringement is felt. In the present case, the Plaintiff is located in Hiled, which falls within the jurisdiction of the Hiled Court. Therefore, the Hiled Court has territorial jurisdiction to hear and decide the present suit.

³ Section 104 of the Patents Act, 1970

⁴ Section 2(4) of the Code of Civil Procedure, 1908

⁵ *Penguin Books Ltd. v. M/s India Book Distributors and others* AIR 1985 Delhi 29

Section 20 of the CPC also governs the applicable jurisdiction for filing suits in civil proceedings. This section provides for original civil jurisdiction regarding trademark, copyright, and patent disputes.⁶ Therefore, Plaintiff has correctly filed the present suit before the Hiled Court, which has the original civil jurisdiction to decide patent infringement cases.

In conclusion, the Plaintiff's argument for filing the commercial suit before the Hon'ble Court of Hiled is well-founded. The suit falls within the definition of a commercial dispute under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Ordinance, 2015. The High Court has the jurisdiction to decide patent infringement cases under Section 104 of the Patents Act, 1970. The Hiled Court can be considered a District Court to hear and decide patent infringement cases, and it has territorial jurisdiction over the present case. Therefore, the Plaintiff has correctly filed the suit before the Hiled Court, which has the original civil jurisdiction to decide patent infringement cases.

⁶ Section 20 of the Code of Civil Procedure

CONTENTION II

THAT THE PATENT UNDER THE BEARING NO. 23X4281 IS A VALID PATENT

The Counsel on the behalf of Plaintiff contends that the Defendants in the instant suit have encroached upon the rights which were exclusively granted to Plaintiff. The Plaintiff holds legitimate patent of the technology ‘Sensor Embedded Airless Wheel Structure Technology’. The Plaintiff has been granted exclusive patent over the technology and it being patent holder has all the rights to exploit its patent and also restrain a third party from selling, making, using, importing any such product for which the Plaintiff holds a patent.⁷ The defendant in the present case have illegally selling, making and using the technology developed by plaintiff without the consent or license granted by plaintiff. Plaintiff being patentee enjoys exclusive title over the invention and the Patents Act of 1970 (hereinafter ‘Act’) under Section 84 provides distinct rights to prohibit any use without the grant of license.⁸ The Plaintiff has received the title over the technology and the authority has granted plaintiff the patent after scrutiny and proper perusal. As the Act provides power to the comptroller to recognize and grant patent after necessary examination.

As soon as the patent has been published in the journal, the patent holder’s rights are brought to public which entails entitlement of invention to the plaintiff. The Defendants through its established network in the tyre industry have been selling the technology on the Plaintiff have exclusive rights. The defendants does not acquire any right or patents registered which proves that the Defendants claim of invention is an ask for deceptive title. The Comptroller who is authority to grant patents have performed their duty with utmost diligence and have not been erred in granting the patent to Plaintiff. The Defendant submissions challenging the

⁷ Article 28 of TRIPS agreement

⁸ Section 84 of The Patents Act, 1970, 39, 1970 (India).

patentability is by virtue of wasting the time of this Hon'ble courts and thus should be rejected. The Plaintiff, hence, submits before this Hon'ble court that the patent under the bearing no. 23x4281 is a valid patent and all the submissions by the defendants pleading for its unpatentability does not hold any grounds and their counter claim is absolutely absurd, false and misguided. Plaintiff establishes the patentability of the technology under following limbs:

2.1 IT IS A VALID INVENTION AND THUS A VALID PATENT

It is firstly submitted that the patent in question is a valid patent under the scheme of Act. The Act nowhere provides an eligibility for patent, however under Section 2(1)(m) states that a patent is the one which has been granted to an invention.⁹ A bare perusal of the definition of invention, it is inferred that an invention is the one which is new or useful and involves inventive step.¹⁰ Undeniably, the presence of novelty in any invention is a fundamental requirement of granting patent and the plaintiff's invention is explicitly a new product as there is no other product same in the country or anywhere else in the world which is same as the product, moreover, the product which the defendant have claimed to be their invention does not hold any registered r filed patent in the country. The product claimed by Defendants consists of few distinctive features which makes the patented invention a better and all new product in the country.

The Hon'ble Court in *Biswanath Prasad Radhey Shyam v. Hindustan Metal industries*¹¹ laid that-

'It is important to bear in mind that in order to be patentable an improvement on something known before or a combination of different matters already known, should be something more than a mere workshop improvement: and must independently satisfy the test

⁹ Section 2(1)(m) of The Patents Act, 1970, 39, 1970 (India).

¹⁰ Section 2(1)(j) of The Patents Act, 1970, 39, 1970 (India).

¹¹ *Biswanath Prasad Radhey Shyam v. Hindustan Metal industries* AIR 1982 SC 1444

of invention or an "inventive step". To be patentable the improvement or the combination must produce a new result, or a new article or a better or cheaper article than before. The combination of old known integers may be so combined that by their working inter-relation they produce a new process or improved result.'

In order to determine the novelty in the product invented by the patentee, the plaintiff submits that the definition of invention is not exhaustive as to the product to be new instead also emboss on presence of some sense of inventive step in the claimed invention. An inventive step is a feature of invention that involves technical advances as compared to the existing knowledge or economic significance that makes not obvious for a person skilled in the art.¹² Also further, in the landmark case of *Natural Remedies Private Limited Bangalore v Indian Herbs Research & Supply Co Ltd*¹³, the court observed that-

'In other words, in order to be patentable, the new subject matter must involve 'invention ' over what is old. A patent can be granted only for 'manner of new manufacture' and although an invention may be 'new' and relate to a 'manner of manufacture e' it is not necessarily a 'manner of new manufacture' -- if may be only a normal development of an existing manufacture'

Also, in *Ram Narain Kher v. Ambassador Industries New Delhi*¹⁴, the Court observed that-

'It is equally true that even when the invention "was not itself new" but "the Particular use of it for the purpose described in combination with the other elements of the system, and

¹² Section 2(j)(a) of The Patents Act, 1970, 39, 1970 (India).

¹³ *Natural Remedies Private Limited Bangalore v Indian Herbs Research & Supply Co Ltd* O.S.NO.1 of 2004 09 December 2011

¹⁴ *Ram Narain Kher v. Ambassador Industries New Delhi* AIR 1976 Delhi 87

producing the advantageous results", would be a sufficient element of novelty to support the patent.

The plaintiff contends that the patented invention is new in the country, even if, for an instance the Plaintiff accepts the submissions made by the defendant, the plaintiff contends that the product is way distinct from the existing one. The plaintiff for a matter of facts accepts that a similar product might be in public domain, as was contended by the defendants, however, there is a distinction in the product being 'same' or 'similar'. The plaintiff further contends that, if the court presumes both the product be identical but the technical advancement in both the products are distinct to each other. The plaintiff further contents that, the legislative intent of coming with an amendment to define an inventive step was to specify the objective of the legislation that is to encourage inventive step.

It is further submitted that, though the identical product might have been in the public domain but it is the technical advancement which makes the patented invention stand differently and same can be a ground for proving the novelty. The Hon'ble Court in *TVS Motor Company Ltd v. Bajaj Auto Ltd*¹⁵ highlighting the technical advancement in the existing product as ground laid that-

'Technical advance which had not so far fallen in public domain in an industrial application, and which was not obvious before its pronouncement, such technical advance though may be miniscule in nature could still be recognized as an invention'

It is thus submitted that the Plaintiff, being a prolific inventor has been into developments and technical since long time. The product for which the defendant has claimed to be same as the alleged invention, it is pertinent to mention that there is the technological improvement and

¹⁵ TVS Motor Company Ltd v. Bajaj Auto Ltd 2009 (40) PTC 689 (Mad)

differentiation between two products. The plaintiff worked really hard for nurturing the product. The plaintiff was unaware for existence of such product in the market. It is also contended that the Defendants were made available an option to oppose the grant of patent under Section 25, however the defendants failed to do so, which implies that defendant was aware of product differentiation. The product includes improvement pertaining to optimising the rolling speed, resistance, control and noise. The product which was existing in the public domain was mere a structure with sensor, however, the product manufactured by plaintiff provides additional efficacy and results as to optimization which has been facilitating the technical advancement. It is thus submitted that the plaintiff have explicitly showcased a technical advancement which enables plaintiff to be entitled for inventive step, hence, ultimately qualifies it to be an invention.

It is established that there is a technical advancement in the product, but the second part of the inventive step necessitates that the advancement which has been made should not be obvious for a skilled person in the field. The Hon'ble Court in *Press Metal Corporation Ltd v. Noshir Shorabji*¹⁶, intertwined the requirement of non-obviousness within new and useful and held that-

“New and useful method or manner of ‘manufacture’ need not necessarily be any product i. e. it need not necessarily be a new article; ‘it may be any physical phenomenon in which the effect, be it creation or merely alteration may be observed”

In order to determine whether an invention is obvious or not, should be attained from the position of a skilled person in the field, hence involves objective determination. A test to

¹⁶ Press Metal Corporation Ltd v. Noshir Shorabji AIR 1983 Bom 144

adjudge whether an invention is obvious or not was addressed through a test of obviousness was laid in a famous case *Windsurfing v. Tabur*¹⁷ -

“In answering the question of obvious there are four steps to be considered. The first is to identify the inventive step embodied in the patent in suit. Thereafter the court has to assume the mantle of a normally skilled but unimaginative addressee in the art at the priority date and to impute to him what was, at that date, common general knowledge in the art in question. The third step is to identify what, if any, differences exist between the matter cited as being 'known or used and the alleged invention. Finally the court has to ask itself whether viewed without any knowledge of the alleged invention, those differences constitute steps which would have been obvious to the skilled man or whether they require any degree of invention.”

It is submitted that, any ordinary skilled person in the tyre industry might be well-versed with the various attributes of tyre, its linings, breath, strength and how different terrains shall effect tyre and vice-a-versa. In addition to this, going a level up, if there is an expert in the technical domain of tyre, he might be in position to just be aware and working of such technology which provides data and is puncture proof. The Plaintiff contends that the technical expert might have never imagined of optimizing it and reducing the noise and speed rolling. It is surely imaginable by a professional engineer but not an expert or skilled person. Though the technical expert might have knowledge but surely would not have gone to this extend of optimization. In order to achieve such advancement the plaintiff was acquitted with an expertise as she was a prolific inventor, therefore it is obvious only in extraordinary circumstances as such in the case of Plaintiff. Hence, it is humbly submitted that the invention of plaintiff is not an obvious one.

¹⁷ *Windsurfing v. Tabur* 1985 RPC 59 at 73(CA)

2.2 IT IS NOT MERE REARRANGEMENT OF KNOWN COMPONENTS

Although, a patent might clear the tests of invention and obviousness, but if the invention falls within the non-patentable segment of Act the desired patent shall be restrained from being granted. The Act under Section 3 lays several events and types under which if a desired invention falls, such shall be non-patentable and can be a cause to check on the validity of patent. The Defendants in their submissions have alleged that the patent possessed by plaintiff on the sensor embedded technology is merely an arrangement and re-arrangement of known substances which function independently. The alleged criterion is enshrined under Section 3(f) of the Act. The Courts under different circumstances have pronounced as to when even if there is a mere rearrangement, such shall be patentable. The Hon'ble Court in *Lallubhai Chakubhai Jariwalla v. Chimanlal Chunilal & Co*¹⁸, one of the oldest cases on patents law have observed that-

'In the case of a combination the inventor may have taken a great many things which are common knowledge and acted on a number of principles which are well-known. If he had tried to see which of them, when combined produce a new and useful result, and if he succeeds in ascertaining that such a result is arrived at by a particular combination, the combination will, generally speaking, afford subject-matter for a patent'

In furtherance to the abovementioned precedent, the Court in *CTR Manufacturing Industries Limited v. Sergi Transformer Explosion Prevention Technologies Pvt. Ltd*¹⁹, observed that –

'The material previously known to the art have been used in a completely unique and novel fashion. They do not work independently of each other in a known way, and the patent

¹⁸ Lallubhai Chakubhai Jariwalla v. Chimanlal Chunilal & Co AIR 1936 Bom 99

¹⁹ CTR Manufacturing Industries Limited v. Sergi Transformer Explosion Prevention Technologies Pvt. Ltd 2016 (65) PTC 262 (Bom)

lies precisely in the combination of their use, the timing, and the manner in which their known functions are deployed to deliver a stated result'

It is pertinent to mention that the plaintiff using its intelligence have used several devices which function independently. However, the combined result is different from individual result. The Plaintiff contends that the result after arranging the sensor and the other compartments, the product has been completely changed. The Plaintiff, though its move of using the devices which were functioning independently, have combined them in a said pattern and which has inculcated new results. The Plaintiff has not just used the same devices which the defendant alleges to be, instead there has been a technical advancement and the devices were placed after testing several times and finally the arrangement which succeeded is able to produce new results which have facilitated in optimizing the device and had produced results which were otherwise not possible. Hence, it is contended that the skill of plaintiff pertaining to the arrangement has produced enhanced results and thus is a patentable invention.

It is further submitted that if the re-arrangement is producing some efficacy or enhancement in the result such shall still be open for being patentable. The Hon'ble Court in *F. Hoffmann-La Roche Ltd v. Cipla*²⁰ observed that –

The following conclusion may be drawn from section 3 (f), a new form is not the same substance (i) if you show enhancement in efficacy, one will get a patent for the new and if one does not show enhancement of efficacy, no patent will be granted as it will be considered as the same substance.

The plaintiff through its product has unfolded an efficacy which was not present in the product developed by defendant. As plaintiff has produced new results thus the product developed by

²⁰ F. Hoffmann-La Roche Ltd v. Cipla 2015 SCC OnLine Del 13619

plaintiff should not be tagged as mere re-arrangement, instead as it produces new results should be allowed to enjoy the rights without any obstacle. Considering the technical advancement showcased by the plaintiff in the patented product, it is crystal clear that the defendant product is completely different. All the submissions made by the Defendant should be dismissed and the defendant should be charged with damages as have infringed the exclusive right of plaintiff.

CONTENTION III

**THAT THE GROUNDS UNDER SECTION 64(1)(A), (E) AND (F) FOR REVOCATION
ARE NOT FULFILLED**

The plaintiff humbly submits that the patent no. 23x4281 of “Sensor Embedded Airless Wheel Structure Technology” is a valid patent and will be put on commercial use soon in coming days as it was granted just on 3rd January 2023. As the plaintiff is a known prolific inventor, a civil engineer with around 200 patents to her name in various fields of innovation and this exactly shows her experience and technical knowledge regarding the relevant field so there is no point of doubt regarding her qualifications for this innovation regarding the particular patent.

The plaintiff also submits that tyre is a very important industrial tool and has a great importance and this new innovation will be put in market for commercial usage as soon as possible but before that it was important to stop all the infringements happening in the market regarding this patent. So the patent was granted in January, 2023 and as soon as the plaintiff got the patent, the plaintiff instituted proceedings against the defendant before the Hon’ble High Court of Hiled to stop the infringement of patent rights and that is a very crucial step before entering into the commercial market.

Moreover, it's already contented in Issue 2, that its a valid patent and all the specifications are valid and sufficiently justified in the plaintiff’s first claim, post grant of the patent application. It specifically states about the plurality of the separate compartments (2A, 2B, 2C, 2D, 2E & 2F) and are typically and essentially designed to cushion air within themselves which is a new type of technology advancement which creates a novel puncture proof mechanism. It also contains a sensor chip embedded below the said compartments, provided

with a circuit board which operates in a fully automatic as well as an optional manual mode and rest mode. So these two are brand new innovations in the tyre and its novelty definitely requires a patent.

Thus even in the case of *Bajaj Auto Ltd. v. TVS Motor Company Ltd.*²¹, they argue that even a minuscule technical advance that has not previously been disclosed in the public domain and is not obvious can be recognized as an invention. The counsel contends on the basis of this precedent that the specifications provided are sufficiently descriptive of the invention and its workings and unique enough to warrant patent protection.

Thus the counsel here submits that plaintiff they are not even claiming to have invented the tyre itself, but rather the technology that makes it puncture-proof and includes a sensor within the tyre to improve control for the end user. The patent specification describes the compartments within the tyre that cushion the air and explains how a chip is embedded in each compartment with a circuit board attached, enabling the user to operate the tyre in automatic, manual, or rest modes. This detailed description of the tyre's structure and specifications enables a person in the industry to appreciate the novelty and uniqueness of the new invention and all the contentions of defendant regarding public use of already made technology fails here as the plaintiff's patent is the most specific technology and defendant's product infringes the same.

Therefore, the plaintiff maintains that their patent application meets the legal criteria for patentability under the Patents Act, 1970 and the plaintiff has given all the sufficient specification regarding the particular technology they have granted patent for and will commercialize it as soon as this infringement suit is succeeded successfully.

²¹ *Bajaj Auto Ltd. v. TVS Motor Company Ltd.*, 2010 SCC OnLine Mad 5031

Thus, the plaintiff pleads that all the charges of demand of revocation patent no. 23x4281 of “Sensor Embedded Airless Wheel Structure Technology” under section 64(1)(a), 64(1)(d), 64(1)(e), 64(1)(f) of the Patents Act, 1970 must be quashed and infringement suit will be succeeded and specific relief must be granted to plaintiff.

PRAYERS

Wherefore in light of the issues raised, arguments advanced and authorities cited, it is humbly prayed that this Hon'ble Court may be pleased to adjudge and declare that:

1. The High Court of Hiled is the appropriate court for filing the suit for patent infringement by the plaintiff.
2. The Patent under the bearing no. 23x4281 is a valid patent.
3. The defendants have no ground to seek revocation of patent.
4. Grant a Permanent injunction against the defendant in order to restrain the defendant for manufacturing, marketing, selling, offering for sale etc in Hiled and damages as applicable.

For Any other order as it deems fit in the interest of equity, justice and good conscience.

For This Act of Kindness, the Plaintiff Shall Duty Bound Forever Pray

Sd/-

(Counsel for the Plaintiff)