



## SHRADDA BHAMBANI - PLAINTIFF

V.

## BROESHIM (INDIA) PRIVATE LIMITED - DEFENDANT

1. The Defendant's parent company Broeshim BV is a leading manufacturer of tyres with headquarters at the Netherlands. They manufacture various kinds of tyres and has an R&D driven company development plan. Towards the end of the 1960s, the Original Defendant had already created a presence in the global market due to their repeated developments and innovations in the manufacturing of tyres.
2. The Defendant i.e. Broeshim (India) Private Limited is a subsidiary of the Broeshim BV and was incorporated in 1998. It is a pioneer in tyre manufacturing in India and caters to customers throughout. In 2023, it is the leading manufacturer and supplier of tyre and ancillary products in India. The Defendant has introduced various path breaking products in the Indian tyre industry which became synonymous within the tyre industry. From 2017, the defendant is selling tyres with a sensor to collect data and a puncture proof tyre material. The product is also sold in India since January 2021.
3. The Defendant's parent company holds 600+ patents for its technology throughout the world. Neither the Defendant's parent company nor the Defendant holds any filed, pending or granted patents in India.
4. The Plaintiff is a civil engineer, with around 200 patents to her name in various fields of innovation and filed a patent in India for the technology titled "Sensor Embedded Airless Wheel Structure Technology" in March 2021. The patent claims a tyre with an embedded



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chip to collect data and a novel puncture proof mechanism that optimizes rolling resistance, speed, control and noise. The patent that was filed in an expedited mode, was granted on 3<sup>rd</sup> January 2023 - Patent No: 23x4281.

5. In January 2023 the Plaintiffs instituted infringement proceedings against the Defendant before the Hon'ble High Court of Hiled alleging infringement of their patent rights subsisting in "Sensor Embedded Airless Wheel Structure Technology". The suit was numbered as Commercial Suit No. 6 of 2023.
6. The Plaintiff filed the suit based on her intellectual property rights accruing from Patent No. 23x4281, which was filed before the Indian Patent Office on 02/03/2022. The said patent was published in the Register of Patents on 03/01/2023. It is the contention of the Plaintiff that the Defendant had malafidely and arbitrarily infringed her patent rights. Various reliefs, monetary and otherwise were sought by the Plaintiffs in the aforementioned commercial suit.
7. In response, the Defendant, submitted the evolutionary history involved in the technology and their active role in the same. There were a slew of patents in the late 2000s concerning developments in intelligent and puncture proof tyres. Patent holders have constantly understood the requirements of the industry to ensure that tyre mechanism innovates in tandem with road conditions Therefore innovation can only be with respect to the finer elements in the working of the tyre, whereas the overall structure, working and specifications are well established and well known. Therefore, while one can claim ownership over a minor improvement or advancement, the entire design of a tyre cannot be claimed to be an invention in the year 2022 as claimed by the Plaintiff. The Defendant submits that the Plaintiffs' claimed invention apart from being what is already patented, is



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also already in public use, which are grounds for revocation of a granted patent under section 64(1)(a), (e) and (f) of the Patents Act, 1970. It is further stated that Section 107 of the Patents Act states that the clauses under Section 64 can be pleaded as a defense in a suit for infringement. It is further submitted that the claimed invention of the Plaintiff is also a mere re-arrangement of known devices functioning in a known manner, independent of each other, performing such function as they may perform individually and submits that the Plaintiffs' patent ought not have been granted and refused under section 3(f) of the Patent Act. The inventions claimed by the Plaintiff is nothing but a mere rearrangement of known machines connected together to achieve the desired output, where the independent components work in the same way in the combination also resulting in mere aggregation of known devices. The Plaintiff is merely camouflaging a product whose discovery was known throughout the world and are enfold it in their specification. It is further submitted that the Patent should be revoked by the Hon'ble Court as per Section 64(1)(d) of the Patents Act.

8. The Defendant submits that the Plaintiff is a patent troll, who does not commercialise any of her patents, and who has filed this suit with the sole intention of harassing and arm twisting the Defendant and to gain monetary benefit.
9. The Defendant submits that the Indian Patent law tries to promote and protect innovations by striking a delicate balance between rights of the patent holder and the obligations of the patent holder towards the government that grants him the exclusive rights. One of such obligations enumerated under section 83 of the Patents Act, states that the patents are granted to encourage inventions and to secure that the inventions are worked in India on a commercial scale and to the fullest extent possible without any delay. Sec-146(2) of the Patent Act read with Rule 131(1) of the Patent Rules 2003 mandates every Patentee



to submit a statement of working to the controller patent in Form 27 every year after the grant of the Patent till the expiry of its 20 (twenty) years term.

10. The Plaintiff states that she got her patent granted in the year 2023, and has the intention to put her invention to use in the coming days. Although she has not commercialised any of her inventions, she states that she is a prolific inventor, as can be seen from her number of granted patents. She has also applied for patent for the same technology in Germany and Australia

11. The Defendant submits that the Plaintiff was working from 2005 to 2022 in the marketing department of companies in various industries and not in the Research and Development department, and also not having any technical knowledge or qualification to become inventor, as she has not produced any documents to show her skill or knowledge in the relevant field.

12. The Plaintiff's first claim, post grant of the patent is as follows:

1. *"In accordance with the present application, Sensor Embedded Airless Wheel Structure Technology essentially consists of the followings.*

*A plurality of separate compartments (2A, 2B, 2C, 2D, 2E & 2F) typically & essentially designed to cushion air within themselves.*

*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.*

*Characterised in that*

*The sensor chip is connected to said compartments to operate in a plurality of road conditions."*



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13. The Defendant further states that there is insufficiency of disclosure in the Plaintiffs' impugned patent, since there is no data or information provided regarding the connectors between the various parts, how the parts work in tandem to facilitate the working of the entire invention, etc. The entire patent specification describes a theoretical model of a device that is hopscotch of the various long existing products. It is further stated that the conduct of the Plaintiffs shows that they never had any intention to manufacture or market the patented invention and their sole purpose seems to be to extort money through the present legal proceedings. The Original Defendant further humbly submits these type of wrongfully obtained patents are a menace and an impediment to the innovative environment in the country.

14. The cause of action arose within the jurisdiction of this Hon'ble Court of Hiled, with jurisdiction akin to that of the Hon'ble High Court of Delhi, India where the Plaintiff is residing and where the Plaintiff have filed for the patent application before the Hiled Patent office in March 2021. The Hiled Patent Office granted by the patent office in January 2023.