



PRESENTS

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Intellectual Property Law
MOOT COURT



Problem Statement





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1. And the transition is about to begin. “Electric Vehicles – a step towards cleaner and a less polluted environment”, read the headlines of The Indu, on Monday, the 23rd of January 2017. The Government of India had on many occasions, in the recent past, committed to eliminating conventional vehicles by 2040. Automobile Industry Giants have been working on these electric vehicles for the last 5 years. Mr. Joey, an academician and a PhD holder in Vehicle Systems, residing in the city of Chengai was nothing less than ambitious and filled with joy at the moment as he had commenced his work on the electric vehicle systems way back in the 2000’s and now has a patent in his name for Electric Powered Vehicle with Turbine Generator. Soon after, in 2018, Joey had begun approaching various companies to pitch in his patented product as detailed below.

1.1 ABSTRACT OF THE PATENT:

An electric vehicle having an electric drive motor and an energy storage device to provide power for the motor uses a re-charge system to increase the range of the vehicle. The re-charge system comprises a turbine mounted to the vehicle for rotation in the air stream generated by forward movement of the vehicle. A generator of electrical current is driven by the turbine for trickle charging the energy storage device while the vehicle is in motion.

Details with regard to the claims of the Patent are annexed to the Moot Problem.

The Expiration of the said patent is on January 20th 2020.

2. Flippy Pvt. Ltd., is an Indian e-commerce company based in the city of Bengaluru, India. The company initially focused on book sales, consumer electronics, fashion, and lifestyle products before it expanded into sale of automobiles and automobile parts on its e-commerce platform. Authorized Dealers of the Automobile Giants like TATA, FORD etc., sell their cars and spare parts through the company’s platform by enabling customers to book





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test drives of such automobiles and meet those companies' dealers and place orders online thereafter. Although, engaging in the sale of automobiles and its spare parts on an e-commerce platform initially received considerable backlash with a lot of criticism, over a period of time, the said mode of sale had been accepted and also proven effective.

3. FONDA, an auto mobile company based out of Bengu City, as a part of their New Year launch, commenced operations and sales of the FONDA Electric vehicle through Flippy.com, on 1st January 2019.
4. Monica, an environmental activist, residing in Chengai city and also a neighbour of Joey decided to buy an electric vehicle and booked a FONDA Electric Vehicle through Flippy.com and around October 2019 got her vehicle delivered after making final payments. She was overwhelmed that she was doing her little contribution towards a better and cleaner environment.
5. On December 2nd 2019, a Sunday afternoon, Monica had invited Joey over for lunch. It was then that Joey noticed the new FONDA electric vehicle of Monica's and was curious to know the mechanisms of the Electric Vehicle. Monica instantly offered Joey to take the vehicle for a ride as she was aware about his interests and years of research in Electric Vehicles. After a careful inspection of the vehicle, Joey was shocked to note that the FONDA electric vehicle had incorporated an air tunnel placed in a similar fashion covered by Joey's patent. He also understood that the said FONDA electric vehicle had similar Air tunnels to direct the air past the Turbine thereby ensuring efficient generation of charging current produced by the Turbine. The Turbines were fixed on the front of the vehicle within the Air tunnel. Joey instantly regretted his decision of pitching and showcasing his invention to the automobile giants.
6. Aggrieved by this action of the automobile company, Joey filed a suit for Patent Infringement before the Chengai High Court on January 15th 2020 to stop FONDA from manufacturing and selling further electric vehicles with the "air tunnel" technology.





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7. ISSUES BEFORE THE CHENGAI HIGHCOURT:

- a. Whether “Chengai High Court” was the appropriate Court, before whom the suit lay.
- b. Whether Mr. Joey could claim patent infringement when only an element of his invention was copied by FONDA.
- c. Whether Mr. Joey is entitled any relief as the suit was filed 5 days before the expiry of the patent.

NOTE: The laws of Indiska are in pari materia with the laws of Republic of India.

Disclaimer: The facts stated in the present case are fictitious and have been drafted solely for the purposes of the competition. The Facts, names, locations and dates bear no resemblance to any person, event or happening whether dead or alive. Any resemblance found, if any, is purely co-incidental in nature.





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ELECTRIC POWERED VEHICLE WITH TURBINE GENERATOR

• Claims made in the Patent:

1. In an electric vehicle having an electric drive motor and an energy storage device to provide power for the motor, the improvement comprising:
 - a turbine mounted to the vehicle for rotation in the air stream generated by forward movement of the vehicle; and
 - a generator of electrical current driven by the turbine for charging the energy storage device.
2. An electric vehicle as claimed in claim 1 in which the generator of electrical current comprises at least one alternator that generates AC current.
3. An electric vehicle as claimed in claim 1 in which the generator of electrical current comprises at least one DC generator.
4. An electric vehicle as claimed in claim 1 in which the energy storage device comprises at least one battery.
5. An electric vehicle as claimed in claim 1 in which the energy storage device comprises a plurality of batteries arranged into two sets with the generator charging one set at a time, the non-charging set being used to drive the electric motor.
6. An electric vehicle as claimed in claim 1 including an air tunnel having an inlet at the front of the vehicle and an outlet toward the rear of the vehicle, the air tunnel housing the turbine so that air is directed past the turbine.





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7. An electric vehicle comprising:
 - a chassis supported by rotatable wheels
 - an electric drive motor to drive the wheels;
 - an energy storage device to provide power for the motor; and
 - a turbine mounted to the vehicle for rotation in the air stream generated by forward movement of the vehicle; and
 - a generator of electrical current driven by the turbine for charging the energy storage device.
8. An electric vehicle as claimed in claim 7 in which the generator of electrical current comprises at least one alternator that generates AC current.
9. An electric vehicle as claimed in claim 7 in which the generator of electrical current comprises at least one DC generator.
10. An electric vehicle as claimed in claim 7 in which the energy storage device comprises at least one battery.
11. An electric vehicle as claimed in claim 7 in which the energy storage device comprises a plurality of batteries arranged into two sets with the generator charging one set at a time, the non-charging set being used to drive the electric motor.
12. An electric vehicle as claimed in claim 7 including an air tunnel having an inlet at the front of the vehicle and an outlet toward the rear of the vehicle, the air tunnel housing the turbine so that air is directed past the turbine.





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13. A method for charging an electric vehicle having an electric drive motor and an energy storage device to provide power for the motor, comprising the steps of:
 - providing a turbine mounted to the vehicle to drive a generator of electrical current;
 - advancing the vehicle in a forward direction at sufficient speed to generate an air stream to rotate the turbine and drive the generator of electrical current to charge the energy storage device.
14. A method as claimed in claim 13 in which the energy storage device comprises a plurality of batteries arranged into two sets, and the generator charges one set at a time, the non- charging set being used to power the electric motor.
15. A charging system for an electric vehicle having an electric drive motor and an energy storage device to provide power for the motor, the charging system comprising:
 - a turbine mountable to the vehicle for rotation in the air stream generated by forward movement of the vehicle; and
 - a generator of electrical current drivable by the turbine to charge the energy storage device.

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