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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON
28.07.2026

PRONOUNCED ON
12.11.2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CMA(PT) No. 61 of 2024 &
CMP.No.25526 of 2024

TVS Motor Company Limited,
"Jayalakshmi Estate:
No.29, (Old No.8), Haddows Road,
Chennai – 600 006. ..Appellant(s)

Vs

The Deputy Controller of Patents and Designs
Patent Office, I.P.Building, GST.Road, Guindy,
Chennai 32.

..Respondent(s)

PRAYER:- Civil Miscellaneous Appeal filed under Section 117A of the Patents Act, 1970 against the order of the Deputy Controller of Patents and Designs to set aside the impugned order dated 19th July 2024 in respect of the Indian Patent Application No.201841004638 and allow Patent Application No.201841004638.

For Petitioner(s): Mr.Damodar Vaidya
for Mrs.Deepika Murali

For Respondent(s): Mr.A.R.Sakthivel SPCGSC

JUDGMENT

The present Civil Miscellaneous Appeal has been filed seeking to set aside the

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impugned order dated 19.07.2024 passed by the respondent in respect to the Application No.201841004638 and allow the patent Application No.201841004638.

2. The facts giving rise to the present appeal is that the Appellant engaged in the business of manufacturing various two-wheeled and three-wheeled vehicles, had filed an application for the grant of the patent on 07.02.2018. The invention forming the subject matter of the aforesaid patent application was titled “A Vehicle”, comprising a set of Claims 1 to 11. Pursuant to the request for examination filed by the Appellant on 22.04.2021, the respondent had issued the First Information Report (hereinafter referred to as ‘FER’) dated 24.02.2022. Wherein the respondent had raised substantive objections under the Sections 2(1)(j), 2(1)(ja), 3(f), 3(k), 10(4), nd10(4)(c) of the Patent’s Act (hereinafter referred to as ‘Act’). The Appellant in turn filed its detailed response dated 24.02.2022 to the FER, wherein the appellant had explained the inventive concept and had responded to all objections raised by the respondent. Subsequently, upon receipt of the response to the FER, the Respondent issued a Hearing Notice dated 17.05.2024, wherein the respondent had dropped the objections under the sections 2(1)(j) and 10(4) of the Act and all the formal objections. However the hearing notice retained the substantial objections under the section 2(1)(ja), 3(f) and 3(k) of the Act in view of the earlier cited prior arts D1 and D2. Thereafter, a hearing was conducted on 20.06.2024, during which

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the Appellant advanced its arguments and subsequently filed written submissions dated 28.06.2024**,** providing further explanations and clarifications, without amending the claims. Thereafter, the Respondent passed the impugned order dated 19.07.2024, refusing to grant the patent sought under the Appellant's patent application on the grounds of non-compliance with Sections 2(1)(ja) and 3(f) of the Act, namely, absence of inventive step and the mere arrangement or rearrangement of known devices, each functioning independently in a known manner, which falls within the scope of non-patentable subject matter. Aggrieved by the impugned order dated 19.07.2024 issued by the respondent the appellant had preferred the present Appeal.

3. Heard Mr.Damodar Vaidya learned counsel appearing for Mrs.Deepika Murali learned counsel appearing on behalf of the appellant and Mr.A.R.Sakthivel learned Senior Panel Central Government counsel appearing on behalf of the respondent.

4. Mr.Damodar Vaidya learned counsel appearing on behalf of the appellant would submit that the invention forming the subject matter of the Appellant's patent application comprises Claims 1 to 11 and pertains to a vehicle with a biometric recognition system mounted on the fuel tank assembly for facilitating the user authentication, where the said biometric recognition system is based on fingerprint or voice or retina recognition.It is submitted that

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the said bio-metric system is strategically positioned within the close proximity to the rider's body, specifically behind the handlebar and ahead of the front portion of the rider's seat, duly taking into consideration of the ergonomic requirements of the rider reducing fatigue and physical strain. He further submits that the wires are routed in such a way that they are reliable and cost-effective and safe.Therefore the learned counsel submits that Claim 1 incorporates the inventive feature of the present invention, which teaches mounting of the biometric user recognition system on the top surface of the fuel-tank assembly, thereby providing convenient access to the rider, facilitating ease of wiring, enhancing the durability of the wiring and rendering the system theft-proof.

3. He submits that respondent erred in concluding that the placement of the biometric authentication system on top of the fuel tank for the ergonomic benefits is advantageous but the same cannot be held as the technical advancement over the existing prior arts, thereby treating the same as a non-technical feature that does not contribute to the inventive step. He submits that based on the Manual of patent and Procedure (2019) (hereinafter referred to as MPPP) as far as an analysis for an inventive step is considered, the invention as a whole has to be taken into account. He nevertheless submits that in the present invention the respondent failed to recognize that the inventive step does not merely involve the placement of the bio-metric authentication system on the

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fuel tank assembly but its integration with the other devices on the vehicle, including the routing of the complex wiring harness being simplified, made reliable and tamperproof as the additional technical advancements. In that regard the learned counsel places reliance upon the judgement of this court made in the case of ***Rhodia Operations Vs Assistant Controller of Patents and Designs*** reported as ***2024:MHC:6024***. Wherein this court had analysed section 2(1)(ja) of the Act and had laid down that the Assessment of Inventive Step of the invention involves two step process, namely, identifying the features that involves the technical advancement as compared to the existing knowledge or economic significance or both and the determination of whether aforesaid technical advancement or economic significance is not obvious to a person skilled in the art (hereinafter referred to as 'PSITA'). The aforesaid judgement had also formulated five steps for assessing the inventive step or obviousness and a similar five step analysis has been formulated by the Hon'ble Delhi High Court in the case of ***F.Hoffman La Roche Vs. Cipla*** reported as ***2015 SCC Online Del 13619***.

5. The learned counsel submits that the respondent had erred in refusing the appellant's application on the grounds of lack of inventive step under the section 2(1)(ja) of the Act and concluded that the present invention is obvious to the PSITA. It is submitted that as far as the present invention is considered the inventive concept is to mount the bio-metric user recognition system on a

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vehicle in such a way that it provides ergonomical advantages to the user,to simplify the wiring harness and enhance wiring durability. The learned counsel contends that the ergonomic benefits offered by the present invention constitutes a technical advancement, thereby contributing to the inventive step. To support his contention in that regard, the learned counsel had placed reliance upon the Hon'ble Delhi High Court judgement made in the case of ***Ferid Allani Vs Assistant Controller of Patents and Design*** reported in ***2019 SCC Online Del 11867***, wherein the improved User Interface is recognised as a technical advancement. Therefore respondent had wrongly held that the ergonomic advantages offered by the present invention does not constitute a technical advancement and the present invention lacks the inventive step.

6. It is further submitted that the Respondent erred in concluding that it would be obvious for a PSITA to relocate and adapt the biometric user recognition systems mounted on the fuel-tank assembly especially with the aid of the prior art documents D1 and D2. The learned counsel contends that this court in its judgment ***Rhodia Operations*** (supra) had clearly laid down the requirements for a person to be recognised as a PSITA, is to possess above-average skill in the relevant art, the requisite vocational or educational qualifications to practise the art, familiarity with the tools and techniques necessary for the same and knowledge of the existing prior art. The learned counsel denies the above ground of the respondent as according to him, as the

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prior art D1 and D2 teaches away from exposing the biometric user recognition device to dust and water. Hence for the PSITA having knowledge of prior-art documents D1 and D2, mounting the biometric user recognition system on the fuel-tank assembly, where it would be exposed to harsh environmental conditions such as dirt and water, would not have been obvious..

7. The learned counsel further submits that the prior arts D1 and D2 does not teach the inventive step of the present invention. It is submitted that prior-art document D1 discloses the placement of a fingerprint identification device on the handlebar or the rear cover of the front handle. However, D1 does not disclose the placement of the said device on the fuel-tank assembly located between the seat and the handlebar, as in the present invention. On the contrary, D1 relates to a scooter-type two-wheeler, wherein the fuel tank is ordinarily located below the seat. D1 teaches that the fingerprint detection device is covered with a transparent cover to protect it from dirt and water. However it neither teaches the simplification of the complex wiring harness nor addresses the problem of facilitating convenient access to the fingerprint identification device. Similarly, prior-art document D2 discloses the placement of a fingerprint identification device on a glove box located below the seat and teaches that the said device must be protected from exposure to dirt and water. However, D2 neither discloses the placement of the device on the fuel-tank assembly nor addresses the technical problems of facilitating convenient access

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to the fingerprint identification device and simplifying the wiring harness.

8. The learned counsel vehemently contends that the respondent erred by refusing the grant of the patent under the grounds of section 3(f) to the appellants by arriving at the conclusion that the present invention is merely an arrangement or rearrangement of the known devices. It is submitted that according to the MPPP where an invention involving a combination of known devices or integers produces a new result, an improved result, or achieves the intended result more expeditiously or economically, or where the known integers are arranged side by side and interact with one another to produce a new result, such an invention would not fall within the ambit of Section 3(f) of the Act.According to the learned counsel, the present invention satisfies the principles set out in the MPPP Guidelines, as the biometric user recognition system mounted on the fuel-tank assembly interacts with the associated wiring harness, thereby combining known devices in a distinct arrangement to produce an enhanced result in the form of enhanced ergonomic benefits to the user. Therefore it is contended that the respondent failed in both understanding the present invention and in applying the legal propositions to test the applicability of the section 3(f) of the Act. It is further contended that the respondent had also failed to consider the invention as a whole as the determination of the inventive step does not merely involve in identifying new features but rather about how these features interoperate with the known features to provide the technical

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advancement.

9. The learned counsel submits that, although the term “inventive step” is defined under the Act to encompass both non-obviousness and technical advancement and the Act provides grounds for refusing a patent where the present invention lacks novelty, there is no substantive provision empowering the Controller of Patents to refuse a patent solely on the ground of lack of non-obviousness, except where objection with regard to the lack of non-obviousness is raised through a pre-grant opposition filed by way of representation under Section 25(1) of the Act. Therefore, in view of forgoing submissions the learned counsel prays this court to set aside the impugned order and allow the present Civil Miscellaneous Appeal.

10. Per Contra, opposing the abovesaid arguments Mr.A.R.Sakthivel learned Senior Panel Central Government counsel appearing on behalf of the respondent would submit that appellant had failed to note that the respondent in its reasoning had referred to the authentication based control of operating the saddle type vehicle by means of the fingerprint (biometric) user recognition system along with its entire wiring and networks present, as a whole and treated the same as common general knowledge. It is contended that the prior Arts D1 and D2 explicitly discloses a fingerprint (biometric) user identification system along with its wiring circuits and authentication and control functions for

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securely operating the vehicle. It is further submitted that the prior arts D1 and D2 also discloses the said biometric authentication system along with its circuit and networks in its entirety in different places, namely, D1 discloses the positioning of the said biometric system on the handle bar and D2 discloses the placement of the biometric system in the glove box beneath the motorcycle seat. Hence the learned counsel submits that the positioning of the biometric authentication system along with its associated control wiring as the whole is well known common general knowledge. Consequently the relocation or repositioning of the said biometric authentication system does not constitute a technical advancement.

11. He further submits that the relocation of the biometric authentication system on the fuel tank assembly does not result in any new or improved technical outcome; rather it provides the same result and benefit of securely operating the vehicle. It is submitted that in general most of the notifications and the controls are displayed on the dashboard which is positioned in the front of the vehicle to ensure optimal ergonomic visibility and accessibility for the rider. Hence he submits that a mere relocation of the biometric authentication system from dashboard to the top of the fuel tank assembly cannot be considered as an improved user interface amounting to technical advancement and it does not constitute a valid inventive step. The learned senior panel counsel further submits that the relocation of the biometric authentication

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system asserted by the appellant coincides with that of the position of the fuel tank cap and consequently, the repositioning of the said biometric system would result in manufacturing complications. It is submitted that the principles of Design for Manufacturing and Assembly (DFMA) do not support such alterations as the same necessitate additional wiring networks to ensure communications between the vehicle control modules, the dashboard notification control system and the biometric authentication system, thereby increasing the manufacturing cost of the vehicle and further complicating the wiring harness.

12. The learned senior panel counsel further submits that the respondent at no point of time held that mounting of the biometric authentication system on top of the fuel tank assembly is infeasible. Instead the respondent merely stated that the relocating and repositioning of the biometric user recognition system along with its associated network and wiring to a different location is a well-known common general knowledge, as the prior Arts D1 and D2 discloses the same biometric authentication system along with its wiring at various locations as stated supra. Therefore positioning of the bio-metric user recognition system at a different location from that of the D1 and D2, as disclosed in the present invention would be an obvious modification for a PSITA which does not constitute a technical advancement, consequently does not establish the inventive step in the present invention. He further submits that whether or not

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the protective layer needs to be added to shield the bio-metric authentication system from the rain and dirt would have to considered only after the routine experimentation and mere workshop improvements.

13. He further submits that the respondent had properly analysed and identified the correct PSITA who general are the professionals involved in the automobile manufacturing encompassing a broad category including the mechanical engineers with 6 to 8 years of experience, packaging engineers with knowledge of element interfaces, design engineers familiar with DFMA guidelines, etc. Therefore the appellant's contention that the respondent erred in identifying the PSITA is not true. He further submits that the dependent claims 2 to 11 of the present application solely depends upon the independent claim 1 of the application. It is submitted that, since independent Claim 1 does not introduce any significant features capable of establishing non-obviousness and is considered obvious to PSITA, dependent Claims 2 to 11 are likewise obvious by virtue of their dependency on Claim 1 and the absence of distinguishable features.

14. The leaned senior panel counsel further submits that the present invention neither introduces an unique combination of known elements nor does it provide any advantageous, new results. On contrary the present invention merely relocates or a repositions the well known biometric authentication system along with its associated control wiring networks from the front-portion

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of the handle bar or glove box of the vehicle as disclosed in the prior art D1 and D2 respectively to top of the fuel tank assembly. Even as from the technical advancement point of view the present invention does not produce any new or advantageous result but contrarily increases the manufacturing costs and the complexity of the wiring harness remains unresolved as the biometric authentication system still has to interact with the control and notification modules located in the front portion of the vehicle. Therefore, the learned Senior Panel Counsel submits that the present invention neither demonstrates any technical advancement nor proves to be economically advantageous. Rather, it merely involves the relocation and repositioning of a known device, namely, the biometric user recognition system. Such a modification could be readily implemented by a PSITA using common general knowledge and the prior art documents D1 and D2. Furthermore, the issues of increased manufacturing costs and wiring problems remain unresolved. Hence, the learned senior panel counsel submits that the present invention fails to satisfy the requirement of inventive step under Section 2(1)(ja) of the Act and that the mere rearrangement of known devices, without producing any new or improved result, falls within the ambit of Section 3(f) of the Act. In view of the foregoing, the learned counsel submits that the impugned order does not warrant interference from this Court and, accordingly, prays that the present Civil Miscellaneous Appeal to be dismissed.

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15. I have considered the submissions made by the learned counsels appearing on either side and perused the materials placed on record.

16. An order of refusal to register a patent submitted by the appellant on the grounds that the invention is a conceived prior art which does not involve any inventive step and that a person skill in the art would find it obvious to adopt to the invention. The primordial contention of the appellant was that the respondent had erred in holding that the placement of a bio-metric system of the fuel tank assembly is not a technical feature involving any technical advancement. It is admitted to by the appellant that similar features are available and placement of the same was claimed to be in a disadvantageous position and the placement of the same made by the appellant would be more advantageous. Technical advantageous can be considered, but such technical advantageous on a notable prior art cannot make a method to be a new invention. Teaching D1 & D2 cited documents are also identical to the claimed invention except for the placement of the bio-metric user recognition system and therefore, they cannot be held to be an irrelevant document. Just a placement of the bio-metric identification device on a different surface of the vehicle cannot do away with the prior cited documents to hold that the claim made by the appellant is a new invention. In that regard, this Court also holds that the findings and reasonings given that the invention is obvious to person skilled art.

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17. For the aforesaid reasons, this Court is of the view that the further grounds that had been raised by the appellant and contested by the respondents need not be answered.

18. Therefore this Court finds no merits in the appeal and accordingly, Civil Miscellaneous Appeal stands dismissed. Consequently connected Miscellaneous Petition is closed. However, there shall be no order as to costs.

12.11.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To
The Deputy Controller of Patents and Designs
Patent Office, I.P.Building,
GST.Road, Guindy, Chennai 32.

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