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IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>Judgment Reserved on</i>	29.08.2025
Judgment Pronounced on	28.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

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M/s. TVS MOTOR COMPANY LIMITED,
 “JAYALAKSHMI ESTATE”, No.29,
 Old No.8, Haddows Road, Chennai-600 006.

... Appellant

-VS-

The Assistant Controller of Patents & Designs,
 Patent Office,
 Intellectual Property Building,
 GST Road, Guindy,
 Chennai-600 032.

... Respondent

Prayer: Civil Miscellaneous Appeal (Patents) filed under Section 117-A of the Patents Act, 1970, praying to set aside the impugned order dated 27.06.2024 passed by the respondent in respect to the Application No.2119/CHE/2014 and allow Patent Application No.2119/CHE/2014.

For Appellant : Mr.Damodar Vaidya
 for Ms. Deepika Murali



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& Mr.Harinarayanan

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For Respondent : Mr.A.R.Sakthivel, SPC
Mr.Satendra Kumar,
Assistant Controller of Patents in VC

JUDGMENT

Background

The appellant assails an order dated 27.06.2024 of the Assistant Controller of Patents and Designs in respect of its patent application No.2119/CHE/2014 entitled "Vehicle Frame Assembly" filed on 28.04.2014 claiming priority from the date of application. The First Examination Report (FER) was issued on 27.12.2019 raising objections on the grounds that the claimed invention does not meet the requirement of an inventive step under Section 2(1)(ja) of the Patents Act, 1970 ("Patents Act") and that it is excluded from patent protection under Section 3(f). A further objection on the ground of lack of sufficiency of disclosure was also raised. Objections were also raised on the ground that the patent application does not comply with formal requirements in accordance with, among others, Section 7(2) read with Rule 10 of the Patent Rules, 2003. The appellant replied to the FER on 20.06.2020.



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2. Thereafter, the respondent issued a hearing notice dated 16.12.2022 fixing the hearing date on 02.01.2023. In the hearing notice, objections in respect of Sections 10(4)(c), 2(1)(ja) and lack of compliance with formal requirements were retained. Pursuant to the hearing on 02.01.2023, the appellant filed written submissions on 17.01.2023 by modifying and deleting claim 8 of the originally filed claims to meet the objection under Section 10(4)(c), and addressing the objections pertaining to lack of inventive step and lack of compliance with formal requirements. Against this backdrop, the impugned order was issued more than 18 months later on 27.06.2024 rejecting the subject application on the sole ground of lack of inventive step under Section 2(1)(ja) of the Patents Act citing prior arts, D1, US 6, 371, 236 B1 (D1) and D3, JP, 5548730 B2 (D3) .

Counsel and their contentions:

3. Mr. Damodar Vaidya, learned counsel, appeared via the video-conferencing mode and made submissions on behalf of the appellant, assisted by Mr. Harinarayanan, learned counsel. Mr. A.R. Sakthivel, learned

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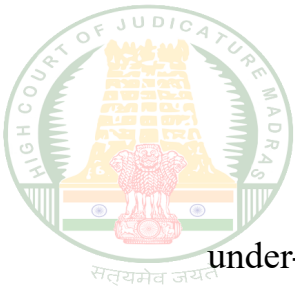


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Special Panel Counsel, appeared on behalf the respondent, assisted by Mr. Satendra Kumar, Assistant Controller of Patents, who also appeared through the video-conferencing mode.

4. Learned Counsel for the appellant opened his submissions by narrating that the claimed invention relates to a frame for two-wheeled vehicles wherein the utility box is mounted on gusset plates that are positioned between the cross members and the side tubes of the frame assembly. He explained the problem addressed by the claimed invention as follows. In a conventional frame assembly, the utility box is mounted on the cross members and, therefore, there is direct transfer of load of both the rider and the pillion rider to the cross members through the utility box. This results in increased risk of cracking and material fatigue of the cross members due to repeated high stress concentration. When the thickness of cross members is increased to tackle the problem of cracking, it leads to increase in material costs, increased vehicle weight of frame assembly, complexity in manufacturing, and reduced fuel efficiency. Additionally, mounting of the utility box on the cross members limits the depth and width of the utility box owing to the space required for the cross members, and

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under-utilization of space around the cross members and side tubes, respectively. As a result, storage capacity of the utility box is not optimized and space available in the vehicle is not utilized efficiently.

5. To address this problem, he submitted that the claimed invention provides a novel solution, as claimed in independent claim 1, by mounting the utility box on a pair of front and rear gusset plates which are welded at the junction of the front and rear cross members and front and rear side tubes of the frame assembly, respectively. Learned counsel submitted that this type of configuration results in surprising technical effects such as enhanced strength and stiffness of the frame assembly brought about by even distribution of the load across the cross members and side tubes joint; allowing for the use of smaller side tubes decreasing the overall weight of the vehicle; elimination of replacement cost of the frame assembly; effective utilization of space allowing for increased depth and width of the utility box when it is positioned substantially lower than when mounted on the cross members; and creation of space for an auxiliary battery.

6. Turning to the impugned order, learned counsel submitted that the



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respondent erred in rejecting the subject application without adopting the five-step analysis formulated in *F. Hoffman La Roche v. Cipla (2015 SCC Online Del 13619)* viz., identification of the person skilled in the art (PSITA); identifying common general knowledge to be imputed to the PSITA; identifying the inventive concept embodied in the claimed invention; identifying the difference between the prior art and the claimed invention; and discerning whether the difference would be obvious to the PSITA.

7. Learned Counsel further relied on *Rhodia Operations v. Assistant Controller of Patents and Designs, 2024:MHC:6024* and *Galatea Ltd. v. Controller of Patents, 2024:MHC:1802* to refer to the skills and attributes of a PSITA and submitted that the PSITA, in this case, would be a packaging/fitment/design engineer with six to eight years of experience in the field of designing structural frames for a vehicle, particularly for a scooter-type vehicle.

8. Furthermore, he contended that scientific disclosure becomes common general knowledge only when it is universally recognized and accepted by the majority of professionals in the field rather than simply

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being a widely read and circulated article. He referred to *General Tire & Rubber Co. Ltd v. Firestone Tyre & Rubber Co. Ltd*, [1971] F.S.R. 417 in this regard. Arguing that the cited prior arts, D1 and D3, are not relevant, he submitted that the PSITA, while looking for a technical solution to the technical problem described above, would not refer to either of the cited prior arts as D1 discloses a frame assembly for a motor cycle having a pair of right and left main frames, but without a floor board and a utility box; and D3 discloses a storage box accommodated in the space available above the floorboard and there is no gusset plate welded at the junction of the side tubes and the cross members.

9. Furthermore, he pointed out that the impugned order erred in the obviousness analysis by wrongly identifying the inventive concept as "provision of gusset plates" instead of "use of gusset plates at specific locations at the junction of the cross members and side tubes for receiving the utility box" and failing to differentiate between the prior arts and the claimed invention. He also relied on the decision of the House of Lords in *Vickers v. Siddell*, (1890) 7 R.P.C. 292, to contend that simplicity of the inventive concept does not translate as the claims not being inventive in

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nature. According to him, the feature of positioning of a pair of gusset plates in such manner that the front gusset plates are placed between the front cross member and front end of the side tubes and the rear gusset plates are placed between the rear cross member and rear end of the side tubes for mounting or resting the utility box represents a technical advance which is not obvious to the PSITA. Such positioning results in shifting of the load from the cross members to the gusset plates, which results in improved structural integrity and durability of the frame and lower maintenance costs, and also enables fixing of an utility box with greater capacity. Therefore, he contended that the claimed invention passes muster under Section 2(1)(ja) of the Patents Act.

10. Learned counsel concluded his submissions by contending that the impugned order is non-speaking and evinces non-application of mind as it failed to engage with the appellant's submissions and erred by conducting a flawed obviousness analysis. He relied on the following cases to buttress his submissions:

i) Biogen Inc. v. Medeva Plc [1997] RPC 1;

ii) Otsuka Pharmaceutical Co. Ltd. v. Sandoz Inc. And Apotex Inc



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(MANU/USFD/0845/2012)

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iii) *Pozzoli Spa v BDMO SA*, [2007] EWCA Civ 588

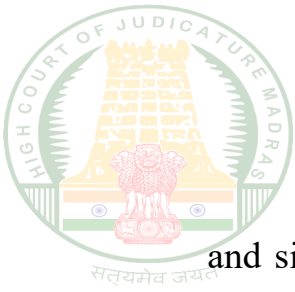
iv) *Bishwanath Prasad Radhey Shyam v. Hindustan Metal Industries*, AIR 1982 SC 1444 ("*Bishwanath Prasad*")

Learned Counsel also brought my attention to the Report on the Revision of the Patent Law by Justice N. Rajagopala Ayyangar, 1959 and the European Patent Office Guidelines, April 2025 while making submissions on inventive concept.

11. Mr. A.R. Sakthivel, learned Special Panel Counsel, submitted that the PSITA would make use of the disclosure in D1 which uses gusset plates, which are chosen taking into account the joint rigidity of the rear half section of the frame with respect to the front half for structural reinforcement. If the teaching of D1 is combined with the disclosure in D3, which provides for mounting of the utility box, he contended that PSITA would arrive at the claimed invention.

12. Reliance was placed on *Bishwanath Prasad* and it was submitted that the positioning of the gusset plates at the junction of the cross members

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and side tubes by welding is a mere workshop improvement and that such structural reinforcement by use of gusset plates, which is well-known in the art, may be carried out by a welder. Therefore, it was contended that such positioning would be obvious to PSITA and does not constitute an inventive step under Section 2(1)(ja) of the Patents Act. He concluded his arguments by stating that the appellant has not provided any technical data with respect to alleged shifting of load thereby reducing stress on the frame. In response, learned counsel for the appellant handed over pictorial depictions of the frame of the claimed invention both with and without the gusset plates to demonstrate the shifting of load when gusset plates are used.

Discussion, analysis and conclusion:

13. The subject application was rejected by the impugned order for lack of inventive step under Section 2(1)(ja) of the Patents Act by citing two prior arts, D1 and D3. The relevant portion of the impugned order reads as under:

“D1 discloses rigid front and rear half sections of the frame that easily sets the joint rigidity of the rear half section of the frame with respect to the front half section of the frame by providing proper

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gussets. A person skilled in the art would make use of D1 to join two sections of frames by welding gusset plates to the two sections - rear half section and front half section of the frame, into the scooter frame of D3 to install utility box if it is required.

Thus, a person skilled in the art will arrive at the subject matter - gusset plates between the rear half section and front half section of the frame of the present application on which a utility box can be installed. A person skilled in the art would easily be able to conceive the idea of putting the gussets as it's a well known art and attaching the utility box to the gussets and not in the "front cross members and the rear cross members" if he wants to lower its position is just a matter of design based on the requirement based on the circumstances.

Therefore in view of the D1 and D3 the subject matter of claim 1 which applicant regards as invention lacks inventive step. The subject matter of claims 2-16 do not contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the inventive step.



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In view of the above documents D1 and D3, the present application lacks inventive step according to section 2(1)(ja) of The Patents Act, 1970 and a person skilled in the art will be motivated by the above cited documents to conclude the invention.”

[emphasis added]

14. Before turning to the law, in order to ascertain the scope of the monopoly claim, I now examine independent claim 1 of the claimed invention. Amended independent claim 1, which was rejected by the respondent, is set out below:

“1. A frame assembly (10) for a two wheeled vehicle (1), wherein the frame assembly (10) includes:

a head tube (101) disposed in substantially a vertical direction at a front portion when assembled in the two wheeled vehicle (1),

a down tube (102) extending rearwardly and downwardly from the head tube (101),

a first cross bridge (102a) extending sidewardly on both sides of the down tube (102),

a pair of floor board support tubes (102b) extending rearwardly and substantially



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perpendicularly to the first cross bridge (102a),

a second cross bridge (103) connected to the pair of floor board support tubes (102b) at a rear end of the floor board support tubes (102b),

a pair of side tubes (104) extending rearwardly and substantially upwardly from the second cross bridge (103),

a front cross member (106) connected to the pair of side tubes (104) at a front portion of the pair of side tubes (104),

a rear cross member (107) connected to the pair of side tubes (104) in a rear portion of the pair of side tubes (104),

characterized in that,

a pair of front gusset plates (108) including a first front gusset plate (108c) and a second front gusset plate (108d), wherein each of the first and the second front gusset plates (108c,108d) having a first portion, and a second portion,

wherein the first portion of the first front gusset plate (108c) being connected to a first portion of the front cross member (106), and the

first portion of the second front gusset plate (108d) being connected to a second portion



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of the front cross member (106), and

the second portion of the first front gusset plate (108c) being connected to a first portion of a first side tube (104a) of the pair of side tubes (104), and

the second portion of the second front gusset plate (108d) being connected to a first portion of a second side tube (104b) of the pair of side tubes (104), and

a pair of rear gusset plate(s) (109) including a first rear gusset plate (109c) and a second rear gusset plate (109d), wherein each of the first and the second rear gusset plates (109c,109d) having a first portion, and a second portion,

wherein the first portion of the first rear gusset plate (109c) being connected to a first portion of the rear cross member (107), and the first portion of the second rear gusset plate (109d) being connected to a second portion of the rear cross member (107), and

the second portion of the first rear gusset plate (109c) being connected to a second portion of a first side tube (104a) of the pair of side tubes (104), and

the second portion of the second rear



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gusset plate (109d) being connected to a second portion of a second side tube (104b) of the pair of side tubes (104),

wherein the pair of front gusset plate(s) (108) and the pair of rear gusset plates (109) being adapted to receive a utility box (50) when assembled in the two wheeled vehicle (1)”.

[emphasis added]

15. As is evident from the above, independent claim 1 is framed as a two-part claim with the features previously known forming the preamble and the novel and inventive features following the words “characterized in that” and emphasized in bold font in the extract. Learned counsel for the appellant submitted that the inventive step of the claimed invention lies in the positioning of the pair of front and rear gusset plates (108, 109) between the front and rear cross members (106, 107) and the front and rear portions of the pair of side tubes (104), respectively, for receiving the utility box (50). This configuration is best exemplified by the following amended figure 2 of the claimed invention:



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Learned

submitted

positioning

unexpected

technical

improved

stiffness,

replacement

utilization of space for the utility box, and creation of space for the auxiliary battery.

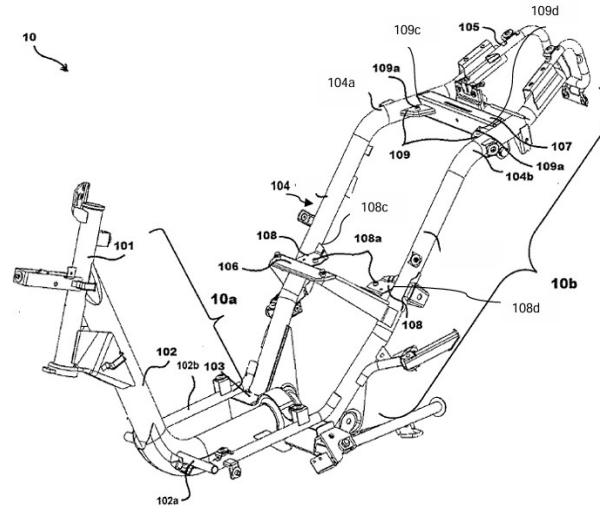


FIG. 2

counsel further
that this
results in
or surprising
effects such as
structural
reduction of
costs, effective

16. Against this background, I next proceed to analyse the statutory requirements of "inventive step" under Section 2(1)(ja) of the Patents Act.

The provision reads as below:

“(ja) “inventive step” means a feature of an invention that involves technical advance as compared to the existing knowledge or having economic significance or both and that makes the



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invention not obvious to a person skilled in the art;”

[emphasis added]

The Patents Act, thus, prescribes a twin requirement for a claimed invention to surmount the inventive step test: a) the feature of the invention, touted as being inventive, must exhibit technical advance over the existing prior art in the relevant field or economic significance or both; and b) the said feature should not be obvious to the PSITA. While the technical advance requirement is not an essential pre-requisite and economic significance can be relied on instead, the non-obviousness requirement is essential and overarching.

17. 'Technical advance' over the existing knowledge connotes development or progress in the relevant field that shows superiority over what was known in the prior art. In *Bishwanath Prasad*, the Supreme Court considered the question of inventive step and noted that the feature in question must be more than a workshop improvement. Further, on obviousness analysis, it was observed as below:



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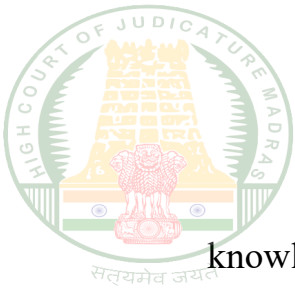
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*"Had the document been placed in the hands of a competent craftsman (or engineer as distinguished from a mere artisan), endowed with the common general knowledge at the 'priority date', who was faced with the problem solved by the patentee but without knowledge of the patented invention, would he have said, **"this gives me what I want ?"** (Encyclopaedia Britannica; ibid). To put it in another form: "Was it for practical purposes obvious to a skilled worker, in the field concerned, in the state of knowledge existing at the date of the patent to be found in the literature then available to him, **that he would or should make the invention the subject of the claim concerned ?**" Halsbury, 3rd Edn, Vol. 29, p. 42 referred to by Vimadalal J. of Bombay High Court in *Farbwerke Hoechst & B. Corporation v. Unichan Laboratories* MANU/MH/0064/1969 : AIR 1969 Bom 255."*

[emphasis added]

18. Thus, when faced with the same technical problem as the patent applicant, if it is plain to see or evident that the PSITA (who is deemed to be possessing the knowledge of the existing prior art and common general

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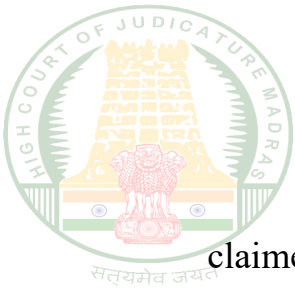


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knowledge at the priority date) would come up with the same feature(s) as the patentee to resolve such technical problem, then such feature(s) lack an inventive step. The appellant asserts inventiveness in respect of the deployment of gusset plates in specific positions to not only shift the load away from the cross members in the scooter frame, but also to enable the mounting of a larger utility box in comparison to a utility box conventionally mounted on the cross members. Whether these features would be obvious to PSITA should be tested against cited prior arts. Therefore, I proceed to consider the objection that D1 and D3 do not qualify as analogous or relevant prior art and, in any case, whether they render the claimed invention obvious.

19. In *Microsoft Technology Licensing LLC v. Assistant Controller of Patents, 2024:MHC:2537*, I endorsed the disjunctive tests formulated in *In re Bigio, 381 F.3d 1320* on the criteria for deciding whether prior art qualifies as analogous. A cited reference qualifies as analogous or relevant prior art if it is from the same field of endeavour as the claimed invention, even if it addresses a different problem, or, if it is reasonably pertinent to the problem faced by the inventor, even if it is not in the same field as the

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claimed invention. Bearing this in mind, I first consider the field of endeavour of the claimed invention and the problem that the claimed invention sets out to resolve.

20. In the complete specification, the technical field is described as “a frame assembly for a two-wheeled vehicle”. The background section clarifies that the focus is on scooters. The problem that the claimed invention sets out to address is clear from the following excerpt from said background section:

“....Generally for receiving a utility box, a pair of cross members is disposed over the pair of side tubes, in a manner such that one cross member each is disposed over a front portion and a rear portion respectively of the pair of side tubes. However, such an arrangement for receiving the utility box, not only leads to the direct transfer of load from the utility box to the pair of cross members, but also to transfer of load from a seat assembly to the pair of cross members through the utility box. Further in such an arrangement there is no equal distribution of load from the pair of cross members to the pair of side tubes. Thus, the

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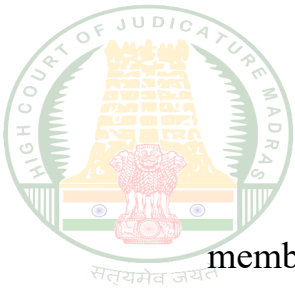


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pair of cross members act as a load carrying members of the frame assembly and is prone to fatigue and cracking as a result of the load. Typically, to prevent the pair of cross members from cracking, thickness of the pair of cross members is increased. However, increasing the thickness of the pair of cross members leads to an increase in the overall weight of the frame assembly, which is undesirable.

Moreover, mounting the utility box on the pair of cross members does not enable one to increase the depth of the utility box, as space available for the disposition of the utility box gets restricted to the limited space available between the pair of cross members and the seat assembly. Also, mounting the utility box on the pair of cross members does not enable one to maximise a width of the utility box, as the resultant mounting does not involve utilisation of space around the pair of side tubes and the pair of cross members.”

21. Thus, the field of invention is a frame assembly for a scooter and the problem to be resolved is to reduce the transfer of load to the cross



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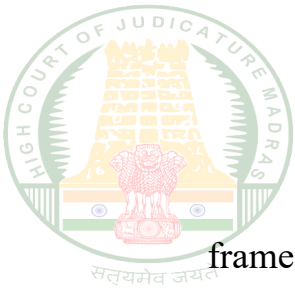
members and also enable the mounting of the utility box in such manner as to optimize the size thereof without increasing the weight of the frame assembly. Against this backdrop, I turn to the cited prior arts.

22. D1 is titled 'Vehicle Frame Structure of Motorcycle'. Although D1 pertains to a motorcycle and the claimed invention to a scooter-type vehicle, both pertain to vehicle frames. After examining the prior art on the vehicle frame of a motorcycle, in the background section of D1, it is recorded, in relevant part, as under:

“ According to the prior art, therefore, the right and left lower members 208, 208 are jointed for connection to the right and left main pipes 202, 202, to set the connection rigidity, it becomes imperative to change the rigidity of the front half section of the frame and the rigidity of the rear half section of the frame. Therefore, it is not easy to set proper connection rigidity according to the vehicle model.”

D1, therefore, sets out to resolve this problem by providing for a vehicle

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frame of a motorcycle that is capable of ensuring the rigidity of the front half section and the rear half section of the frame, and setting the connection rigidity of the rear half section of the frame with respect to the front half section.

23. Except to the extent that both D1 and the claimed invention deal with vehicle frames, there is little in common. D1 was, nonetheless, cited as prior art because Figure 4 thereof discloses a lower cross member and the center frame with the upper end of the center frame jointed to the lower cross member by reinforcing the corner portion with right and left gussets. On perusal of the claims of D1, it is noticeable that independent claims 1, 7 and 17 do not draw reference to the use of gussets. Independent claim 26 relating to a vehicle frame for a motorcycle recites, however, in relevant part, as under:

“ a single center frame extending downwardly from the cross member, said center frame includes right and left gussets for welding said center frame to said cross member; ”



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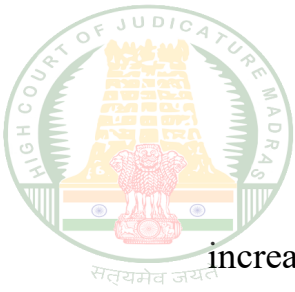
24. Both the European Patent Office (EPO) Search Report and the

International Search Report classify prior art based on relevance indicators.

The symbol 'X' is used by the EPO for prior art that is highly relevant on its own and could result in rejection of the claimed invention either on novelty or inventive step. Although these relevance indicators have not been adopted in India, they serve as a useful guide. D1 certainly does not fall within that category. The symbol 'Y' is used by the EPO for prior art that would deprive the claimed invention of an inventive step when taken in combination with other documents. Whether D1 falls in this category may be properly determined only after examining the other cited prior art D3.

25. D3 is a Japanese patent that discloses *inter alia* a scooter type vehicle in which a storage box is attached in the vicinity of the step floor or floorboard for increasing the size of the storage box. Both from the disclosures in the complete specification, the claims and illustrative figures of D3, it is evident that the storage box is disposed above the step floor or floorboard. D3 does not deal with the use of gusset plates for shifting the load away from the cross member or for mounting or resting the utility/storage box on the gusset plates. Because it deals with a method of

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increasing the size of the storage box in a scooter-type vehicle, it is

reasonably pertinent to the problem addressed by the claimed invention.

Even if PSITA armed with D1 were to consider D3, it teaches the mounting of the utility/storage box over the step floor or floorboard. Hence, on the basis of D3, the non-inventive PSITA would be directed towards considering mounting the utility box on the step floor or floorboard and not to consider alternative ways of mounting the utility box under the seat. This amounts to teaching away and not towards the claimed invention. The upshot of this discussion is that, even by combining D1 and D3, a non-inventive PSITA cannot arrive at the claimed invention.

26. Notwithstanding the above conclusion, an aspect that troubled me during the hearing was the simplicity of the claimed invention (albeit recognising that it does not *per se* stand in the way of novelty and inventiveness) inasmuch as it lies primarily in the positioning of gusset plates at the junction of the respective cross member and the side tube to shift the load away from the cross member and enable the mounting of a larger utility box thereon. Given the simplicity, at the time of hearing, I called on the respondent to re-examine and report on the availability of any

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other relevant prior art other than those cited. In spite of providing this opportunity, the respondent failed to cite any other prior art.

27. Nonetheless, I surveyed material available in the public domain on other relevant prior arts. In my limited review of literature, I found the following that could be pertinent: “Semi-monocoque Frame Structure for a Scooter-type Vehicle”, WO2009084022A1; “Vehicle Body Structure Employing Gussets Fastened to Cross Member Portion between Damper Bases”, US7040639B2; “ Vehicle Body Frame Structure in Scooter-type Vehicle”, JP 1998007064; and “A motor scooter frame structure”, Patent No.220125 (410/DEL/1997). Without suggesting that any of the above would render the claimed invention obvious, I underscore the need for robust obviousness analysis. In the absence thereof in this case, a remand is warranted because it would be against public policy to grant a patent when unsure if it is novel and inventive. I also take into account the fact that material on load shifting was sought to be introduced at the appellate stage and a remand would facilitate the consideration thereof by the forum of first instance.



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28. Before drawing the curtain, a few observations are in order. As set out earlier, the complete specification identified the problem to be resolved as shifting the load of the rider, pillion and utility box away from the cross members and to enable the installation of a larger utility box without increasing the weight of the frame. The fixing of gusset plates at the junction of the cross members and side tubes by welding and also enabling the mounting of the utility box on these gusset plates was devised as a solution to this problem. A survey of material available in the public domain reveals that gusset plates have been used extensively as structural elements in reinforcement most commonly in the construction of roofs and trusses, buildings, bridges, towers, but also in motor vehicles. The appellant admits this and does not claim any monopoly over the deployment of gusset plates. One of the ways to test obviousness would be to consider alternatives that the skilled design engineer (PSITA) could have considered.

29. One alternative would have been to use light but stronger material for the cross members or side tubes. This would clearly have cost implications especially in a scooter. Secondly, it would not solve the problem of increasing the size of the utility box, which would still be

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constrained by the width and depth limitations imposed by the cross members and side tubes. Using triangulation, by way of a trellis frame or otherwise, could be an option; again, not without cost and other implications. Even if reinforcement material were to be used, are there other workable alternatives to the gusset plates? Could doubler plates, which are small additional sections of material placed over a high stress point, have been used instead? I mention the above merely to emphasize that it is important to consider the above and other aspects in course of obviousness analysis and to record that this was not done in the 18 month interval between the filing of written submissions and the issuance of the order.

30. Consequently, the impugned order is set aside and Patent Application No.2119/CHE/2014 is remanded for reconsideration on the following terms:

(i) In order to preclude the possibility of pre-determination, an Officer other than the officer who issued the impugned order shall undertake reconsideration.

(ii) The respondent is permitted to cite additional prior art subject to providing a reasonable opportunity to the appellant to respond thereto.

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(iii) The appellant is permitted to provide additional data on the shifting of load as a result of the claimed invention and any amendment necessary for such purpose shall be permitted if within the scope of the complete specification.

(iv) Subject to reasonable opportunity being provided to the appellant, a speaking order shall be issued within four months from the date of receipt of a copy of this order.

(v) The respondent shall take into account the general observations in this order in relation to obviousness analysis, but it is clarified that the request for grant may be decided uninfluenced by the observations in this order.

28.11.2025

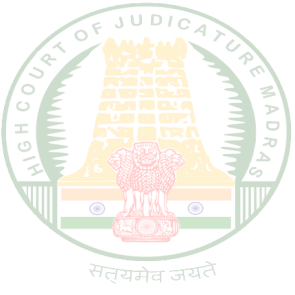
Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

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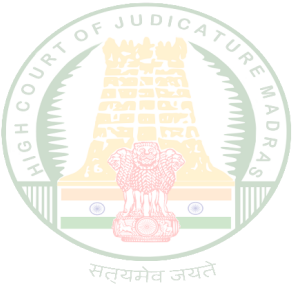
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