

**BEFORE THE DEPUTY CONTROLLER OF PATENTS
THE PATENT OFFICE, CHENNAI**

THE PATENTS ACT, 1970 (AS AMENDED)
&
THE PATENTS RULES, 2003 (AS AMENDED)

In the matter of **Patent No: 452008**
(Application No. 5006/CHE/2014)
and

In the matter of notice of opposition
Under Section - 25(2)

SECTION 15 & 25(2)

Patentee M/s. MAYA APPLIANCES PVT. LTD.

Opponent M/s. VERSUNI INDIA HOME SOLUTIONS LIMITED

Present during the hearing proceedings U/S 14 & U/S 25(2), dated 10/04/2024

1. **Shri DR.SUDHIR RAJA RAVINDRAN** [IN/PA 384], Patent agent for the Patentee.
2. Shri.DR.FEROZ ALI-ADVOCATE
3. Shri-NAVEEN KUMAR (IN/PA 4682)
4. Shri- Sowri (IN/PA 3275)
5. **Smt.Archana Shanker (IN/PA 149)**, Counsel for Opponent.
6. Shri- Ravi Agarwal

DECISION

Mr. Vijay Srinivasan, having address at Maya Appliances Pvt. Ltd., No. 3/140, IT Highway, Oggiam Thoraipakkam, Chennai - 600 097, India (hereinafter referred to as “the **Patentee**”) in respect of filed an application for the patent titled “**AN INTELLIGENT COOKING STOVE SYSTEM**” on 07/10/2014 and was granted on 15/09/2023 as Patent No. 452008 and later assigned to the **MAYA APPLIANCES PVT. LIMITED** on 26/10/2023.

The Post Grant Opposition was filed on 11/12/2023 by the **M/s. Versuni India Home Solutions Limited** (hereinafter referred to as **Opponent**) through the Advocate / Law firm M/s. Anand & Anand, Advocates.

The applicant has filed form 4 on 09/01/2024 for the extension of 1 month to file reply statement for post grant opposition.

The applicant has submitted the reply statement to the opposition on 09/02/2024.

The last date to reply to the applicant's statements by the opponent is 09/03/2024. The opponent has filed petition on 22/02/2024 requesting extension of time for one month for filing reply evidence. The opponent has filed the reply to the applicant's reply statement on 09/04/2024 which is within the statutory time period u/r 59 The Patents Rules, 2003.

The Opponent Post-grant opposition on 11/12/2023 is within the time period and the opposition allowed for further prosecution. The patent has been opposed on the following grounds:

- (a)Section 25(2)(g): that the complete specification does not sufficiently and clearly describe the invention or the method by which it is to be performed.
- (b)Section 25(2)(b): that the invention as far as claimed in the claim of the complete specification has been published before the priority date of the claim: - (i) in any specification filed in pursuance of an application for a Patent made in India on or after the 1st day of January 1912 or (ii) in India or elsewhere in any other document.

- (c) Section 25(2)(e): that the invention so far as claimed in the claims of the complete specification is obvious and clearly does not involve any inventive step, having regard to matter published in clause 25(2)(b) or having regard to what is used in India before the priority date of the Applicant's claim.
- (d) Section 25(2)(f): that the subject of any claim of the complete specification is not an invention within the meaning of this Act or is not Patentable under this Act.

1. The Patentee filed their reply statement under Rule 58 of The Patent Rules on 09/02/2024 and also forwarded a copy to the Opponent duly.

2. For the sake of clarity, the granted claims are reproduced as below:

1. A cooking stove system [1 00] comprising of: a frameless body [110] having a top portion [112] with at least one. hole/groove [120]; one or more leg portions [1 14]; and at least one burner assembly [140], wherein the top portion [112] and the leg portions [114] are fused together/connected via a connecting mechanism to form the frameless body [110] of the cooking stove [100], wherein the burner assembly [140] is fixed into the hole/groove [120] of the top portion [1 12] of the frameless body [110], and wherein internal piping parts of the burner assembly [140] are positioned within the frameless body [110] in a manner to provide efficient visual feedback to the user during a risk.

2. The cooking stove system as claimed in claim 1, wherein the connecting mechanism includes but not limited to screwing and gluing.

3. The cooking stove system as claimed in claim 1, wherein the internal piping parts of the burner assembly [140] includes but not limited to gas flow pipe, gas cock, bundy pipe and mixing tube.

4. The cooking stove system as claimed in claim 3, wherein the frameless body [1 10] has a detachable plate structure to facilitate the fixture of one or more knobs [160].

3. A Hearing has been fixed on 28/01/2025 and the hearing notice has been issued on 26/12/2024 via Email as well as via speed post.
4. Both the Patentee and Opponent notified the controller under Rule 62(2) about their willingness to attend the hearing before the controller.
5. Learned Agent for Patentee, Learned Council for Opponent appeared for hearing on 28/01/2025. Heard.

Hearing Proceedings

6. The patent has been opposed on the following valid grounds:
 - (a)Section 25(2)(g): that the complete specification does not sufficiently and clearly describe the invention or the method by which it is to be performed.
 - (b)Section 25(2)(b): that the invention as far as claimed in the claim of the complete specification has been published before the priority date of the claim: - (i) in any specification filed in pursuance of an application for a Patent made in India on or after the 1st day of January 1912 or (ii) in India or elsewhere in any other document.
 - (c) Section 25(2)(e): that the invention so far as claimed in the claims of the complete specification is obvious and clearly does not involve any inventive step, having regard to matter published in clause 25(2)(b) or having regard to what is used in India before the priority date of the Applicant's claim.
 - (d)Section 25(2)(f): that the subject of any claim of the complete specification is not an invention within the meaning of this Act or is not Patentable under this Act.
7. Before dealing with the technical arguments under the taken up four grounds, the following documents submitted by opponents in hearing arguments and written submissions are valid and considered for the post grant opposition proceedings

- Documents relied upon by the Opponent for the ground of obviousness:
 - D1 - US5046477 (Published on September 10, 1991) (Exhibit 4)
 - D2 - CN201709744U (Published on January 19, 2011) (Exhibit 6)
 - D3: CN203215741U (Published on September 25, 2013) (Exhibit 7)
 - D4: US7335861B2 (Published on February 26, 2018) (Exhibit 8)
 - D5: US5402767 (Published on April 04, 1995) (Exhibit 9)
 - D6 – US5791336 (Published on August 11, 1998) (Exhibit 10)
 - D7 - US5139007 (Published on August 18, 1992) (Exhibit 11)

8. Opponent Arguments during hearing and written submissions

GROUND A: INSUFFICIENCY OF DISCLOSURE
(Section 25(2)(g))

The Opponent Learned Counsel started with preliminary argument towards recalling the background / technical problem & object of alleged invention.

The Opponent submits that the complete specification of the impugned patent lacks sufficiency and does not describe the invention or the method in which it is to be performed as required under Section 10(4) of the Indian Patents Act.

*-The term “Frameless Body” was **not part of the provisional specification**. The Opponent submits that the term “Frameless Body,” which the Patentee claims to constitute the “inventive concept” of the impugned patent, was never part of the provisional specification filed on October 07, 2014. This term was introduced for the first time only when the complete specification was filed on April 27, 2015.*

-Altering of the scope of invention by **deletion of features “control unit” and “display unit”** from independent claim 1 and the term “Intelligent replaced with “AESTHETICALLY APPEALING”

The burner assembly can be fixed into the holes of the top portion of the body in such a way that the internal piping parts of the burner assembly are fixed to the body by providing efficient visual feedback to the user during a risk.

The aforementioned feature as well as the solution does not describe how the “burner assembly” is being fixed/secured or the “internal piping parts” are being fixed/secured. Further, the specification lacks description of the phrase “providing efficient visual feedback to the user during a risk.

-The control unit (130) comprises a timer for monitoring the fuel burn rate and efficiency in the cooking stove and intelligently output the instructions for the user.

The specification also does not provide the construction of the control unit and how it helps in the monitoring of the fuel burn rate.

The display unit (150) displays the instruction from the control unit (130) along with providing general safety instructions to the user.

“Display Unit” is not included in the granted claims 1-4 of the impugned patent

Opponent submits that the Patentee relied specifically on the design of the impugned patent being “a frameless stove” in their response to the first examination report dated September 26, 2019. (FER reply)

In light of the preceding, the Opponent submit that the Patentee has consistently changed its position regarding the technical problem and solution presented in the impugned patent.

(i) Initially, the Patentee deleted the “control unit” and “display unit” features from independent claim 1.

(ii) Later, in the Reply Statement dated February 07, 2022, the Patentee reiterated the “control unit” as an essential feature of the invention, despite it not being part of independent claim 1.

(iii) Further, the Patentee asserted that the “detachable structure” fixed to the frameless body achieves the problem-of facilitating the identification of the hazardous event by the user. However, this feature of “detachable structure” was not the part of the independent claim 1 as were filed then.

(iv) Then, the Patentee categorised the panel as a “STAND-ALONE UNIT”, a concept that was never mentioned in the as filed specification

The technical solution and features that have continuously been changing during the prosecution by:

a) Changing title;

- b) Deleting control unit and display unit from claim 1;
- c) The frameless feature not supported by the provisional application;
- d) How the internal piping parts are configured to provide visual feedback to the user;
- e) Reference to detachable structure;
- f) Reference to standalone vs. embedded cook stove are nowhere described in the patent specification

GROUND B: ANTICIPATION BY PRIOR PUBLICATION UNDER SECTION 25(2)(b)

Documents relied upon by the Opponent:

- **D1 - US5046477 (Published on September 10, 1991) (Exhibit 4).**

A frameless body [110]. ,

Applicants reply-

D1, -A gas cook-top (10) here includes a flat glass panel (12) which functions as the main top or top surface of the appliance. (See col. 2, lines 49-51 of D1)

A top portion [112] with at least one hole/groove [120]

Applicants reply-

D1-The burners have openings for passing shafts that couple control knobs of control panel to respective suitable conventional gas controls which typically include a gas manifold and gas valves that connect to respective gas pipes that lead to the respective burners. (See col. 2, lines 56-64 of D1)

One or more leg portions [114].

Applicants reply-

In D1, Box (40) acts as a leg portion to support the glass panel (12).

At least one burner assembly [140].

Applicants reply-

In D1, the burners (16) are disclosed.

The top portion [112] and the leg portions [114] are fused together/connected via connecting mechanism to form the frameless body [110].

In D1, the top portion (~ the top panel (12) is fused with the leg portion (~ box (40)) by way of connecting mechanism (~ screws (86)).

Internal piping parts of the burner assembly [140] are positioned within the frameless body [110].

D1-Box 40 forms a compartment 48 in which suitable controls (not shown) and interconnecting pipes 22 are located. (See col 3, lines 7-8 of D1)

In light of the above, the Opponent submits that the claimed invention lacks the requisite novelty by prior publication and must be rejected.

GROUND C: IMPUGNED PATENT IS OBVIOUS UNDER SECTION 25(2)(e)

Documents relied upon by the Opponent for the ground of obviousness:

- D1 - US5046477 (Published on September 10, 1991) (Exhibit 4)
- D2 - CN201709744U (Published on January 19, 2011) (Exhibit 6)

- **D3: CN203215741U (Published on September 25, 2013) (Exhibit 7)**
- **D4: US7335861B2 (Published on February 26, 2018) (Exhibit 8)**
 - **D5: US5402767 (Published on April 04, 1995) (Exhibit 9)**
 - **D6 – US5791336 (Published on August 11, 1998) (Exhibit 10)**
 - **D7 - US5139007 (Published on August 18, 1992) (Exhibit 11)**

The Opponent submits that D6 (US5791336) is the closest prior art which refers to a Frameless Cooktop. D6 describes an apparatus for mounting a cooking panel to a top surface without a visible circumferential frame (see abstract of D6).

D7 (US 5139007) discloses or teaches the essential feature, as claimed by the Patentee, of the impugned patent. D7 relates to a glass-ceramic gas cooker top (1) with a glass ceramic pane/plate (2) arranged on a metal frame (3) with two burners (6) below the cooking plate (2) and a base (7). The Opponent submits that Figure 5 of D7 clearly shows that the internal piping parts of the burner assembly are within the glass ceramic pane/plate (2).

D5 (US5402767) also discloses a frameless body as the cooking appliance of D5 lacks any metal frame. (See fig. 1 of D5). Further, D5 discloses a glass-ceramic plate (1) with heat sources (3,3') as open gas burners. In addition, D5 also discloses a flue duct (5) arranged below the glass-ceramic plate, which is equivalent to the feature of internal piping of the burner assembly placed within the frameless stove as is claimed in claim 1 of the impugned patent. (See col.1, lines 23-34 of D5)

D4 (US7335861B2) refers to a cooking stove comprising an operation section that indicates an operation of heating means on a top surface of a top plate. D4 provides a main body (1) with a glass top plate (2) featuring burners (4a, 4b) installed in openings (3a, 3b). Fig. 1(b) of D4 shows a frameless body (~ main body (1)) with a top portion (~ glass top plate (2)) having holes/grooves (~ openings (3a, 3b)).

D2 (CN201709744U) and D3 (CN203215741U), the Patentee objected to the admission of these prior arts on the grounds that they are in Chinese language and were not

accompanied by attested translations, as required under Rule 61(2) of the Patents Rules, 2003 (as amended). However, the Opponent disputes this objection, asserting that reliance was placed specifically on the drawings/figures of D2 and D3, which would be clear and unambiguous to a person skilled in the art.

The opponent combined these documents D6 with D1, D6 with D2 along with D5. It is therefore submitted that in view of the above and submissions made by the Opponent, the independent claim 1 of the impugned patent lacks inventive step and are obvious to a person skilled in the art. The impugned patent is at best a verification and a workshop improvement.

GROUND D: IMPUGNED PATENT IS NOT PATENTABLE UNDER SECTION 25(2)(f) READ WITH SECTION 3(f)

Section 3(f) of the Patents Act excludes "the mere arrangement or rearrangement or duplication of known devices each functioning independently of one another in a known way" from patentability. The intent of the legislature behind Section 3(f) is to prevent patent monopolies over routine engineering choices as section 3(f) ensures that combinations of known devices are not granted patents unless they achieve a novel, non-obvious functional result.

There is no functional integration as the frameless body, burner assembly in a hole/groove and positioning of the internal piping parts within the frameless body operate independently which is that the

1. The frameless body provides efficient visual feedback in a "wellknown manner" as it lacks side walls to block the visual of internal piping parts of burner assembly.
2. Burner assembly are present in a hole/groove and function in a "well known manner".
3. The positioning of the internal piping parts of the burner assembly within the frameless body is a well-known art by being an obvious design choice as the internal

pipings must necessarily be located beneath the frameless body or cooking panel and cannot be positioned outside of it.

9. Patentee response and arguments-

GROUND A: INSUFFICIENCY OF DISCLOSURE

(Section 25(2)(g))

The Hon'ble Opposition Board's recommendation that the patent lacks sufficient disclosure is incorrect. The patent specification and drawings provide eight detailed figures clearly depicting the frameless body, burner positioning, and internal piping arrangement.

Section 25(2)(g) provides that a patent may be revoked in a post-grant opposition on the ground that "the complete specification does not sufficiently and clearly describe the invention or the method by which it is to be performed." This requirement aligns with Section 10(4) of the Patents Act, 1970, which mandates that "every complete specification shall fully and particularly describe the invention and its operation or use and the method by which it is to be performed." Further, Section 64(1)(h) states that a patent may be revoked if the complete specification is insufficient to enable a person of ordinary skill in the art to work the invention or if it fails to disclose the best method known to the applicant for performing the invention. The opponent has not demonstrated any non-compliance with these statutory provisions.

Additionally, the Board failed to acknowledge the specific risk conditions explicitly described in Page 4, Line 2 onwards of the complete specification filed on 26/09/2019, which state: "The casual negligence in use such as going out without shutting off the gas stove, the fire is extinguished by wind without any notice, or the first is extinguished by water food liquid boiling over and so on often causes gas poisoning and sometimes even

an explosion. These mishaps bring not only expensive property losses but also endanger lives.”

The Hon’ble Board’s conclusion that the patent lacks sufficient disclosure is incorrect. The patent specification and drawings provide eight detailed figures clearly depicting the frameless body, burner positioning, and internal piping arrangement. The opponent has failed to provide evidence that a skilled person could not work the invention. The specification explicitly mentions risky conditions such as gas leaks and fire extinguishment by wind (Page 4, Line 2 onwards of the complete specification filed on 26/09/2019)

GROUND B: ANTICIPATION BY PRIOR PUBLICATION UNDER SECTION 25(2)(b)

The Hon’ble Board correctly found that D1 does not disclose a frameless cooking stove system, as D1 pertains to an embedded cooktop with a metal frame. The opponent failed to provide any document that clearly discloses the frameless body and connecting mechanism. The Hon’ble Board’s decision to dismiss this ground is correct and should be affirmed.

D1 deals with embedded systems where it is impossible to provide visual feedback in the manner in which the present patent provides. In Page 2, para 2 of the complete specification filed on 10/09/2015 and also from Page 9, para 2 of the complete specification filed on 26/09/2019, “The burner assembly [140] can be fixed into the holes [120] of the top portion [112] of the body [110] in such a way that the internal piping and other parts of the burner assembly [140] are fixed to the body 110 by providing efficient visual feedback to the user during a risk like leakage of fuel, etc. The top portion [112] and bottom portion [114] of the body [110] can be of any material such as for example, but not limited to, a thermoplastic material, glass, ‘ceramic, metal, or any other ‘material which provides greater design feasibility and aesthetics to the cooking stove [100]. In one embodiment, the top portion [112] and the leg portion [114] of the body [110] can be of a

transparent material. In another embodiment, the top portion [112] and the leg portion. [114] 'of the body [110] can be covered with an aesthetic design/color material'.

GROUND C: IMPUGNED PATENT IS OBVIOUS UNDER SECTION 25(2)(e)

The patentee reiterates the objection raised during the hearing that **D2 and D3 are Chinese-language documents, and they cannot be relied upon unless accompanied by an attested English translation as required under Rule 61(2) of the Patents Rules, 2003.** The patentee reserves the right to present further arguments if and when the deficiencies in the opponent's evidence are rectified and if directed by the Hon'ble Office.

The prior art references D1 to D7 exclusively relate to embedded systems and are therefore irrelevant for assessing the inventive concept of standalone stoves, particularly in the context of providing visual feedback, which forms a core technical advancement of the claimed invention.

D4 exclusively pertains to embedded systems, making it incapable of delivering visual feedback in the manner of the claimed invention as disclosed in the specification filed on 10/09/2015 on page 9 para 2 Fig (3) of the complete specification filed on 26/09/2019.

D5 concerns embedded systems, and as such, it cannot enable visual feedback as provided by the claimed invention as disclosed in the specification filed on 10/09/2015 on page 9 para 2 (Fig 3) of the complete specification filed on 26/09/2019.

D6 similarly relates to embedded systems, which inherently lack the structural and functional aspects required for effective visual feedback in a standalone stove. as disclosed in the specification filed on 10/09/2015 on page 9 para 2 fig 3 of the complete specification filed on 26/09/2019.

D7 is also directed towards embedded systems, thereby making it unsuitable for providing visual feedback as claimed in the subject invention as disclosed in the

specification filed on 10/09/2015 on page 9 para 2 (Fig 3) of the complete specification filed on 26/09/2019.

**GROUND D: IMPUGNED PATENT IS NOT PATENTABLE
UNDER SECTION 25(2)(f) READ WITH SECTION 3(f)**

The Hon'ble Board correctly rejected this ground. The components in the patent work interdependently rather than being a mere juxtaposition of known elements. The Hon'ble Board correctly rejected this ground. Merits no response. The components in the patent work interdependently rather than being a mere juxtaposition of known elements. Merits no response. As per *Lallubhai Chakubhai Vs. Chimanlal* (AIR 1936 Bom 99), a patentable combination must produce a new or improved result, which is achieved in the present invention. Merits no response. The Board's decision to dismiss this ground is correct and should be affirmed. Merits no response. The Hon'ble Board erred in relying on machine-translated copies of D2 and D3, which should not have been admitted as valid prior art due to non-compliance with procedural rules. Furthermore, the Hon'ble Board failed to fully appreciate the role of visual feedback in standalone stoves, as explicitly disclosed in the patent, Even though D2 and D3 are not complying to the rule on Translation, both of them are not related to stand alone stove. The opponent's case against visual feedback primarily relied on D1 and D2, but since D2 is inadmissible, and D1 was separately analyzed and found lacking in novelty, the opposition on this ground fails to establish lack of inventive step.

Prayer

- With regard to the aforementioned contents, the Applicant humbly prays that based on these statements in support of the application, the Hon'ble Controller may be pleased to:
- (1) Refuse the post-grant opposition filed by Versuni India Home Solutions Limited; and

- (2) Award costs to the patentee as prayed for.

Part C: Analysis and Findings

10. Validation of Opposition documents

All the documents submitted by the opponent are found valid.

GROUND A: INSUFFICIENCY OF DISCLOSURE (Section 25(2)(g))

*The term “Frameless Body” was **not part of the provisional specification**,*

It is observed that, Frameless body is not found anywhere in the provisional specification,

further, The legal standard for insufficiency is well established in Dual Manufacturing & Engineering Inc.'s Patent [1977] R.P.C. 189. The court, at Page 5, emphasized the significance of drawings in demonstrating sufficiency, stating:

“One has only got to look at the drawings in the specification to see that we are concerned with a mechanism which involves quite a considerable number of mechanical linkages.”

It is observed from the submitted drawings “the raised or said features are present in the drawings. Hence,

Based on the arguments and submissions put forward by the learned agents of the patentee and learned council of the opponent, opposition board recommendations and based on my analysis, I have concluded that the Opponent failed to establish this ground of Section 25(2)(a) of the Patents Act.

**GROUND B: ANTICIPATION BY PRIOR PUBLICATION UNDER
SECTION 25(2)(b)**

Documents relied upon by the Opponent:

- **D1 - US5046477 (Published on September 10, 1991)**

It is observed and concluded that the cited document D1 has,

- 1.-top portion(112) with hole/groove(120)
- 2.-Burner assembly 140) fixed to the hole of the top portion (112)
- 3.-Internal Piping Parts of burner assembly are positioned within the frameless
body
- 4.-Visual Feedback during a Risk

But cited document D1 does not have the features like,

1.-Frameless Body (110)

D1 only has,

(Glass panel (12) sits in a metal frame (24) and is here bonded by a suitable adhesive 26)

**2.-Leg Portions (114) connected via connecting mechanism to the top
portion (112)**

D1 only has, Metal box (40) is indirectly connected to the top mental frame (24) with
the help of flange (36)

Therefore, it is concluded that the opponent not succeeded under the said Ground A . Considering that D1 fails to describe one or more elements recited in claim 1, it may be concluded that claim 1 is novel.

Based on the arguments and submissions put forward by the learned agents of the patentee and learned council of the opponent, opposition board recommendations and based on my analysis, I have concluded that the Opponent failed to establish this ground of Section 25(2)(b) of the Patents Act.

GROUND C: IMPUGNED PATENT IS OBVIOUS UNDER SECTION 25(2)(e)

11. Ground (iv) (i.e., that the invention so far as claimed in any claim of the complete specification is obvious and clearly does not involve any inventive step, having regard to the matter published as mentioned in clause (b) or having regard to what was used in India before the priority date of the claim **(Sec. 25(2)(e))**

D1 - US5046477 (Published on September 10, 1991)

D2 - CN201709744U (Published on January 19, 2011)

D3: CN203215741U (Published on September 25, 2013)

D4: US7335861B2 (Published on February 26, 2018)

D5: US5402767 (Published on April 04, 1995)

D6 – US5791336 (Published on August 11, 1998)

D7 - US5139007 (Published on August 18, 1992)

Careful analysis and with due consideration of all the documents and arguments under this ground are given. All the valid documents particularly D1 – D7 are considered to do technical analysis on the inventive step.

Legal Analysis on Inventive step under section 2(1)(ja)

The Inventive step as per Sec. 2(1)(j)(a)) of The Patent Act is : 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 invention not obvious to a person skilled in the art.

There should be at least one feature

✓ that involves technical advancement as compared to the existing knowledge

OR

✓ having economic significance
in a non-obvious manner.

It is also pertinent to mention sub-clauses 2, 4 & 5 of same chapter of 'IPO Manual' as most relevant here:

“2. Invention as a whole shall be considered. In other words, it is not sufficient to draw the conclusion that a claimed invention is obvious merely because all individual parts of the claims taken separately are known or might be found to be obvious.

4. For the purpose of establishing obviousness of the invention to a person skilled in the art, mosaicing multiple documents of prior arts is permissible, if the cited prior art provides lead to the skilled person to combine the teachings there under, at the time of filing or priority date of patent application.

5. If the invention is predictable based on the available prior art, merely requiring workshop improvement by a person skilled in the art, the inventive step is lacking.”

The full chapter is to be referred for making proper conclusion. For the sake of brevity, the provided steps at page 89 of 'IPO Manual' are re-produced as below:

- (i) Identify the "person skilled in the art", i.e. competent craftsman or engineer as distinguished from a mere artisan;

- (ii) Identify the relevant common general knowledge of that person at the priority date;
- (iii) Identify the inventive concept of the claim in question or if that cannot readily be done, construe it;
- (iv) Identify what, if any, differences exist between the matter cited as forming part of the "state of the art" and the inventive concept of the claim or the claim as construed;
- (v) Viewed without any knowledge of the alleged invention as claimed, do those differences constitute steps which would have been obvious to the person skilled in the art or do they require any degree of inventive ingenuity.

The cited document D1 has,

- 1.-top portion(112) with hole/groove(120)
- 2.-Burner assembly 140) fixed to the hole of the top portion (112)
- 3.-Internal Piping Parts of burner assembly are positioned within the frameless body
- 4.-Visual Feedback during a Risk

But cited document D1 does not have the features like,

- 1.-Frameless Body (110)**
- 2.-Leg Portions (114) connected via connecting mechanism to the top portion (112).**

The cited document D4 has,

- 1. Top Portion (112) with Hole/Groove (120)
- 2. Burner assembly 140) fixed to the hole of the top portion (112)

But cited document D4 does not have the features like,

- 1.-Frameless Body (110)**
- 2.-Leg Portions (114) connected via connecting mechanism to the top portion (112).**

3.-Internal Piping Parts of burner assembly are positioned within the frameless body

4.-Visual Feedback during a Risk

The cited document D5 has,

1.-Frameless Body (110)

2.Top Portion (112) with Hole/Groove (120)

3.Burner assembly 140) fixed to the hole of the top portion (112)

But cited document D5 does not have the features like,

1. Leg Portions (114) connected via connecting mechanism to the top portion (112).

2. Internal Piping Parts of burner assembly are positioned within the frameless body

3. Visual Feedback during a Risk.

The cited document D6 has,

1.Top Portion (112) with Hole/Groove (120)

2.Burner assembly 140) fixed to the hole of the top portion (112)

But cited document D6 does not have the features like,

1.-Frameless Body (110)

2.Leg Portions (114) connected via connecting mechanism to the top portion (112).

3.Internal Piping Parts of burner assembly are positioned within the frameless body

4..Visual Feedback during a Risk.

But cited document D7 does not have the features like,

- 1.-Frameless Body (110)**
- 2.Leg Portions (114) connected via connecting mechanism to the top portion (112).**
- 3.Internal Piping Parts of burner assembly are positioned within the frameless body**
- 4..Visual Feedback during a Risk.**
- 5.Top Portion (112) with Hole/Groove (120)**
- 6..Burner assembly 140) fixed to the hole of the top portion (112)**

D7 does not have any of the claimed portion.

By combining the document D1 & D5;

- 1.-top portion(112) with hole/groove(120)**
- 2.-Burner assembly 140) fixed to the hole of the top portion (112)**
- 3.-Internal Piping Parts of burner assembly are positioned within the frameless body**
- 4.-Visual Feedback during a Risk**
- 5.Frameless Body (110)**

By combining the document D1 & D5;

Which doesnot have

-Leg Portions (114) connected via connecting mechanism to the top portion (112).

The cited document D2 has the feature,

--Leg Portions (114) connected via connecting mechanism to the top portion (112).

“From the applicant’s arguments and in their written submission, D2 and D3 are in Chinese and their machine-translated versions cannot be relied upon under Rule 61(2) of the Patents Rules, 2003. The opponent has not demonstrated that a person skilled in

art would have readily combined the claimed features. The invention solves a specific problem in standalone stoves by ensuring efficient visual feedback, which is not addressed by any cited prior art. Thus, the finding under Section 25(2)(e) is erroneous and reconsidered.”

However, the Opponent disputes this objection, asserting that reliance was placed specifically on the drawings/figures of D2 and D3, which would be clear and unambiguous to a person skilled in the art.

Based on the arguments and submissions presented by the learned agents of the patentee and the learned counsel for the opponent, along with the recommendations of the opposition board and my own analysis, I have concluded the following:

Documents D2 and D3 are originally in Chinese, and their machine-translated versions fall under Rule 61(2) of the Patents Rules, 2003. Therefore, these documents are not taken on record under Rule 61(2) of the Patents Rules, 2003.

However, based solely on the drawings of D2, it is found that they depict a leg portion connected to the top portion via a connecting mechanism.

The document D2 has,

a cabinet body 17 is fixedly connected to the bottom surface of the strengthened glass plate 1 **(Fig. 8)**.

fig. 10 illustrates that a supporting leg 18 is respectively fixed at each vertex angle of the bottom surface of the strengthened glass plate 1.

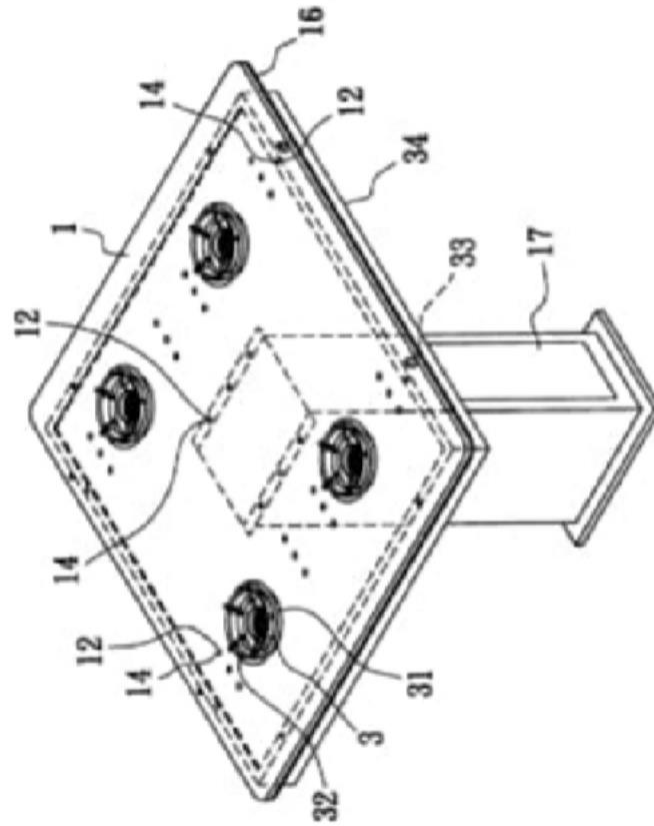


图 8

FIG- 8 CITED DOCUMENT D2-CN201709744

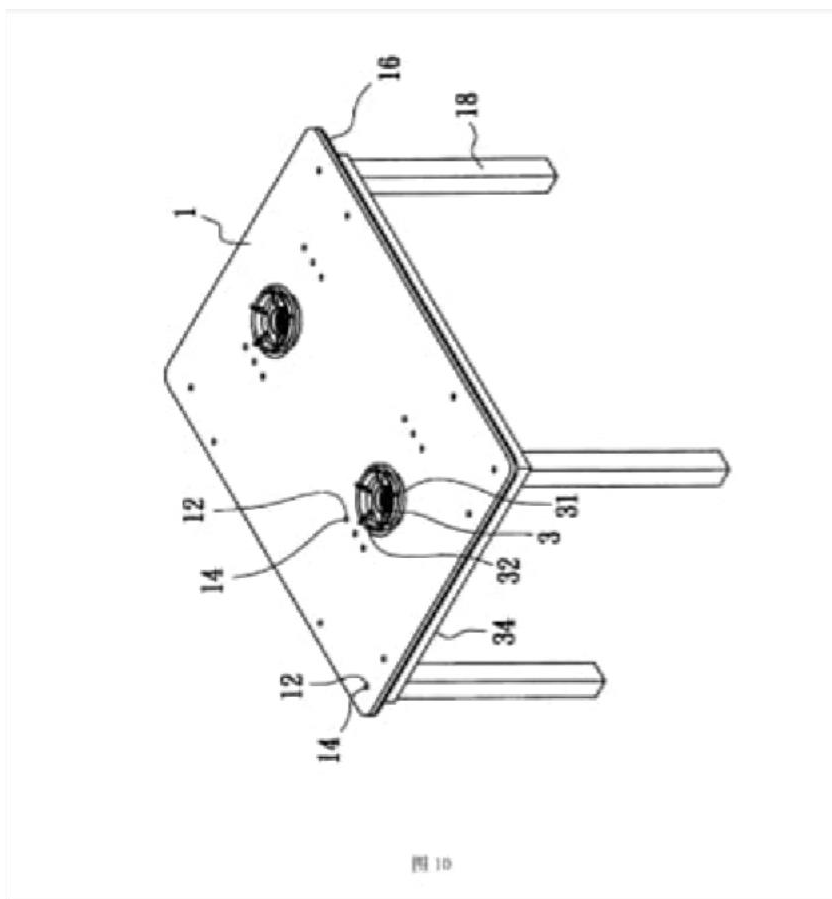


FIG- 10 CITED DOCUMENT D2-CN201709744

Furthermore, considering the combination of documents **D1, D2, and D5**, discloses all the technical features of the alleged invention. It is concluded that the present invention lacks inventiveness in light of the documents submitted. Consequently, it is recommended that the ground raised under Section 25(2)(e) is sustained.

Based on the arguments and submissions put forward by the learned agents of the patentee and learned council of the opponent, opposition board recommendations and based on my analysis, I have concluded that the Opponent succeeded to establish this ground of Section 25(2)(e) of the Patents Act.

**GROUND D: IMPUGNED PATENT IS NOT PATENTABLE
UNDER SECTION 25(2)(f) READ WITH SECTION 3(f)**

12. Ground (v) (i.e., that the subject of any claim of the complete specification is not an invention within the meaning of this Act, or is not patentable under this Act **(Sec. 25(2)(f))**)

The patent describes a frameless body for the cooking stove system wherein the components are interdependently connected and fixed in the desired location on the top portion of the cooking stove. In view of the above, the impugned patent does not fall under Section 3(f) of the Patent Act. Therefore, it is recommended that the ground for opposition under Section 25(2)(f) be dismissed.

Based on the arguments and submissions put forward by the learned agents of the patentee and learned council of the opponent, opposition board recommendations and based on my analysis, I have concluded that the Opponent failed to establish this ground of Section 25(2)(f) of the Patents Act.

13. Conclusion-

- A. Section 25(2)(g): that the complete specification does not sufficiently and clearly describe the invention or the method by which it is to be performed-**NOT VALID / DISMISSED**
- B. Section 25(2)(b): that the invention as far as claimed in the claim of the complete specification has been published before the priority date of the claim: - (i) in any specification filed in pursuance of an application for a Patent made in India on or after the 1st day of January 1912 or (ii) in India or elsewhere in any other document. -**NOT VALID / DISMISSED**
- C. Section 25(2)(e): that the invention so far as claimed in the claims of the complete specification is obvious and clearly does not involve any inventive step, having regard to matter published in clause 25(2)(b) or having regard to what is used in India before the priority date of the Applicant's claim-**VALID /SUSTAINED.**
- D. Section 25(2)(f): that the subject of any claim of the complete specification is not an invention within the meaning of this Act or is not Patentable under this Act.-**NOT VALID / DISMISSED.**

ORDER

In view of above findings, that the opponent succeeded to establish the grounds for,

25(2)(e)-lack of inventive step.

Further it is recommended for revocation of the alleged patent u/s 25(4) of the patents Act 1970 (as amended)

The Form 7 is disposed of.

There is no order as to the costs.

Dated on 04th April 2025



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-sd/-

M. RAM JAWAHAR
(Deputy Controller of Patents and Designs)

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