

OIPD-7

IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE
(Intellectual Property Rights Division)

IPDAID/27/2024

NISSAN MOTOR CO. LTD.
VS
THE CONTROLLER OF PATENTS AND DESIGNS AND ANR.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 12th June, 2025.

Appearance:
Ms. Vindhya S.Mani, Adv.
Ms. Diya Mal, Adv.
...for the appellant

Mr. Indrajeet Dasgupta, Adv.
...for the Controller

The Court: This appeal is directed against an order dated 21 February, 2020 passed by the respondent no. 2 rejecting the application for patent titled “Vehicle Driving Support Device and Vehicle Driving Support Method”. The invention relates to a method which supports the driving of a driver by controlling a vehicle so that the vehicle moves toward the centre of a lane when the vehicle reaches a predetermined lateral position in a lane width direction.

Briefly, the invention is an example of conventional vehicle driving support device when a lane departure tendency of the vehicle is detected based on a lane dividing line and a future position of the vehicle after a predetermined time period, the vehicle is controlled to move in such a direction that the lane departure is prevented.

In passing the impugned order, the respondent no. 2 has rejected the application filed by the appellant primarily on the ground that the same did not disclose any inventive step under Section 2(1)(j) of the Patents Act, 1970.

A perusal of the impugned order would reflect that after describing D-1 and D-2 in *extenso*, the respondent no. 2 has simply concluded that in view of a combined teaching of the documents D-1 and D-2, it would be obvious to a person skilled in the art to determine that there is no inventive steps involved in the alleged invention. The order concludes as follows :

a. "The oral argument and the written submission of the agent of the applicant have been carefully considered. However without prejudice, although the hearing submissions have attempted to address the other requirements, yet the substantive requirement of the Patents Act, 1970 i.e. section 2(1)(j) are not found complied with. Hence, In view of the above and unmet requirements, this instant application is not found in order for grant.

b. The examiner report was considered more relevant over the agent written and oral submission.

c. This application is hereby refused patent under Section 15 of The Patent Act, 1970 due to non compliance of requirement of inventive step Section 2(1)(j) and 2(1)(ja) of "The Patent Act, 1970".

On a perusal of the above impugned order it would appear that the same has been passed in violation of the principles of natural justice. It has been repeatedly held that even *quasi* administrative authorities are bound to give reasons in their orders. The order impugned has no element of "why" for the "what" therein to stand on. There has been no application of mind in the impugned judgment which can be ascertained from a reading of the same. There are no findings arrived at in concluding that the subject application did not fall within the requirement of inventive steps under Section 2(1)(j) and

2(1)(ja) of the Act. The impugned order is devoid of any reasoning as to why the subject invention is lacking in inventive steps. There is no discussion of the technical advancement of the claim subject matter. The submissions of the appellant have also not been considered nor dealt with in the impugned order. The focus on the prior arts without any explanation or any justification vitiates the impugned order. [(*UPSC vs. Bibhu Prasad Sarangi* (2021) 4 SCC 516)].

In the absence of reasons, the impugned order is unsustainable and set aside. The matter is remanded back to the Controller to decide the same afresh in accordance with law after giving an opportunity to hearing to the appellant.

It is made clear that the above exercise would be completed within a period of three months from the date of communication of this order.

In view of the above, IPDAID/27/2024 stands disposed of.

(RAVI KRISHAN KAPUR, J.)

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