WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON **PRONOUNCED ON**
14.07.2026 **16.10.2026**

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CMA(PT) No. 22 of 2025

The North Face Apparel Corp
200 Hanby Building, 3411, Silverside Road,
Wilmington, Delaware 19810, USA

..Appellant(s)

Vs

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 Controller of Patents and Designs to set aside the impugned order dated April 16th, 2025 in respect of the Indian Patent Application No.202147026139 and pass such further or other orders as deemed fit and proper in the circumstances of the case.

For Petitioner(s): Mr. Sudarshan Singh Shekawat

For Respondent(s): Mrs.V.Sudha
Senior Central Govt. Counsel

JUDGMENT

The present Civil Miscellaneous Appeal had been filed challenging the order of the respondent impugned dated 16.04.2025 rejecting the Grant of Patent and consequently direct Grant of the Patent in respect of the Appellant's application

https://www.mhc.tn.gov.in/judis

in Application No.202147026139.

WEB COPY

2. Heard Mr. Sudarshan Singh Shekawat, learned counsel for the applicant and Mrs.V.Sudha, learned Senior Central Government Counsel appearing on behalf of the respondent.

3. The learned counsel appearing for the appellant would submit that the appellant had made an application in respect of an invention titled "*Systems and Methods for End-to-End Article Management"*. A First Examination Report (FER) was issued *inter-alia* raising objections on the grounds of lack of inventive steps and non-patentability.

4. A detailed reply dated 31.05.2022 by including the amended claims were made. A hearing notice was issued, wherein objections were raised on the grounds of non-patentability, wherein the appellant had attended the same and also made written submissions along with further amended claims. A second hearing notice was issued raising further objections citing prior art documents which was also attended, wherein further written submissions along with further amended claims were made. Notwithstanding the same, the third hearing was issued raising further objections which was also attended to by the appellant addressing inventive steps. The claim of the appellant under the impugned order

https://www.mhc.tn.gov.in/judis

WEB COPY

had been rejected, against which the present Appeal had been filed.

5. He would submit that the invention relates to an integrated end-to-end process for article management directed towards articles such as clothing, apparel, accessories and fabric based components encompassing a method for attribution/ traceability of such articles to the implementation of the digital marketing system. The invention seeks to overcome the drawbacks faced by the industry by providing a comprehensive end-to-end process for dynamically detecting and minimising the discrepancies in aiding to facilitate the production of articles within the tight tolerance of the intended design. He would submit that the invention addresses the core deficiency of conventional system by introducing a responsive mechanism that continuously monitors and correct deviations from the intended designed parameters.

6. He would submit that the respondents citing a prior art under D21 to 24 under the impugned order, had refused to grant the registration of Patent. He would submit that the respondents dissected the features of the claims into isolated elements and compared the same with the prior art documents to hold that there were no inventive steps. In that context, he would submit that the patent as a whole should have been assessed and ought not have dissected the process of invention.

https://www.mhc.tn.gov.in/judis

WEB COPY

7. Drawing attention to the earlier prior arts that had been relied upon to reject the application, he would submit that none of the prior arts relied upon by the respondents have the use of spectrophotometer which is the primary sensor used by the appellant. He would submit that the respondent had failed to assess the differences between the invention of the appellant as against the prior arts relied upon by the respondents. That apart, the invention of the appellant involves the steps of continuous monitoring which enables enhancement of the manufacturing process thereby achieving precession and efficiency. He would further submit that invisible markers are being employed in the process whereby, the prior arts do not have such markers. On this aspects, there is a clear distinction between the invention of the appellant and the prior arts referred to by the respondents.

8. He would also draw attention of this Court where the respondent had given findings in favour of the appellant but had concluded in rejecting the invention. He would also draw attention of this Court wherein under the claim of invention a bidirectional data flow architecture which enables dynamic process rectification and would submit that such is not found in the prior art under D23. Hence, he prays this Court to allow the Appeal.

9. Countering his arguments, learned Standing Counsel appearing for the respondent would contend that it is a fallacy to firstly claim that the claim of the

https://www.mhc.tn.gov.in/judis

WEB COPY

applicant was isolated and compared with the claimed features under D21 to D24. The invention of the appellant was taken as a whole and was compared with the cited documents. It is his further contention that D21 and D23 discloses automated garment manufacturing and centralised control, D22 discloses identifier based tracking at multiple manufacturing stages and D24 discloses a method of writing process relevant information on the product in the subsequent production. Hence, the combined teaching provided under the cited documents provide necessary motivation for a person skilled in the art to arrive at the claimed subject matter. Hence, it cannot be treated as an invention of the appellant on a conceptual reading of the cited documents. She would further contend that the attempt made by the applicant on the combined reading of the cited documents would only indicate that the teaching suggestions in the prior art had been combined to make a claim of invention and in that regard, the invention is also hit by the principles of hindsight.

10. She would submit that there has been mosaicing of the unrelated prior arts and gluing them together to claim an invention. She would further submit that the examiner had conceptualised the claims made by the appellant and had identified the alleged inventive concepts and only thereafter, compared it with the cited documents to come to a conclusion that there has been a conclusive mosaicing of the cited documents. Referring to the cited document D21, she would submit that the same discloses an automated system for production of

https://www.mhc.tn.gov.in/judis

WEB COPY

personalised custom fit garment in which a scanner is involved for obtaining a three dimensional model for customising the digital pattern of customers fit and style preferences. The common general knowledge which emanates from the teachings of the D21 in respect of automated manufacturing and process control forms part of the claim for invention and hence, the same had been rightly rejected as it does not involve any inventive steps. Even though, D21 does not provide a solution for deducting and correcting the false or errors, the teachings in other cited documents would establish that mosaicing had been done.

11. She would submit that the cited document D22 involves a method of optically readable codes and non-optical readable tracking devices. The teachings of D22 also discloses usage of identifiers labels for tracing the samples to the respective units enabling traceability even though different from the invention claimed, the teachings therein has been employed in the invention of the appellant. The teaching of tracking under D22 is sought to be employed by the appellant in the claimed invention.

12. Referring to the cited document D23, she would submit that the teachings under D23 discloses a centralised command and controlled network system which has also been the claim under the alleged invention. She would submit that the claim of the appellant that it differs from the present application is wholly misconceived and the reason for holding that the teachings under D23

https://www.mhc.tn.gov.in/judis

WEB COPY

is a relevant common general knowledge in the field has been rightly arrived at by the examiner. Similarly, the teachings under D24 teaches the concept of carrying process relevant information from one stage of the manufacture to the next and when the same is read along with the appellants claim along with the other cited documents it would clearly indicate that the invention is nothing but a mosaicing of the cited documents in rejecting the claim of invention. The use of Spectrophotometer and the invisible markers cannot be considered to be an inventive step as markers and sensors have been used in the cited document.

13. She would submit that the refusal order is well founded on the cited documents and common knowledge as detailed in the order and hence, she would submit that the Appeal deserves no consideration and is liable to be dismissed.

14. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record before this Court.

15. A detailed reply affidavit had been filed by the respondent to sustain the order of refusal that is impugned in this Appeal. Even though, a claim had been made by the learned counsel for the respondent that a combined teachings under the cited documents had only been considered with the entire claim in the

https://www.mhc.tn.gov.in/judis

WEB COPY

invention, it could be seen from the impugned order as well as in the counter that the examiner had dissected the claim made under the invention and compared it with the cited documents. The reason for coming to such a conclusion is that even in the counter affidavit it had been clearly admitted as regards to the objectives of each of the cited documents. In fact, there is a categorical admission that the objectives of the cited documents D21 and the presented invention are entirely different apart from a categorical admission that D21 do not detect any errors or discrepancies which are available in the claim for invention by the appellant.

16. It is further to be noted that the claim under D21 was for an automated production of a personalised customer fit garment using a scanner for obtaining a three dimension model of the customers body shape to achieve customers fit and preferences. Similarly it had also been admitted that D22 teachings a method of involving an application of optically readable codes whereas under the claimed invention it is the use of an invisible markers. In that context, the teachings in D22 cannot hold to be a prior common general knowledge that is available to disregard the invention.

17. As regard to D23, it has also been admitted that the objective of the teachings under the said cited documents is different from the present invention. Even though, the teachings are directly relevant for end-to-end article

https://www.mhc.tn.gov.in/judis

WEB COPY

management architecture, the process of the said end-to-end article management architecture which is a teaching at D23 when compared with the claim of invention that has been refused would clearly indicate, even though, the process is an end-to-end management of a production process, the steps that had been involved in the claimed invention is not the same as under the teachings in D23.

18. It has also been admitted that the teachings in D24 cannot be decisive that a combined analysis of teachings at D21 to D24 would indicate the common general knowledge in the concept of carrying process relevant information from one stage of information to end of such which is also a claim under the claimed invention.

19. When it had been admitted that each of the teachings under D21 and D24 even though are not similar to that of the claim of invention, the attempt made by the examiner to refuse the recognition of the patent claimed by the appellant on the ground of alleged mosaicing of the cited documents is not well founded.

20. When having admitted that the objectives under each of the cited documents are wholly different and the teachings under the cited documents cannot be put as a hindsight reconstruction for the claimed invention. A reading of the counter itself is suffice to hold that the claimed invention had not been

https://www.mhc.tn.gov.in/judis

WEB COPY

raised from the common general knowledge from the teaching of the cited documents. Further, the analysis of the claimed invention vis-a-vis the cited documents would indicate that the invention uses a new method of tracking the manufacturing process by using the invisible markers. None of the teaching documents do not discloses teachings even when combinedly read as alleged by the respondent to have any co-relation with the claims made under the invention. Even though, there is a semblance of the teachings when taken independently, the invention would include a process involving an inventive step capable of industrial application. An inventive step involves a technical advance as compared to an existing knowledge or having economic significance or both. In the present case, even if the contentions of the respondent could be taken, the invention that had been claimed is a process to have an effective end result in the manufacturing process by identifying the garments using a Spectrophotometer which identifies invisible markers, this is essentially an inventive step, when compared with the cited documents D21 to D24. This aspect had been clearly over-looked to by the examiner in holding that there were no inventive steps as disclosed in the invention.

21. For the aforesaid reasons, this Court finds that the order of refusal is wholly unsustainable and requires to be interfered with to by this Court.

https://www.mhc.tn.gov.in/judis

WEB COPY

22. In fine, the Appeal stands allowed setting aside the order of refusal dated 16.04.2025 with a further direction to the respondent to grant the patent in respect of the Indian Patent Application No.202147026139. However, there shall be no order as to costs.

16.10.2026

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

GBA

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

https://www.mhc.tn.gov.in/judis

WEB COPY

K.KUMARESH BABU, J.

GBA

CMA(PT) No. 22 of 2025

16.10.2026

https://www.mhc.tn.gov.in/judis