



Elofic and Anr. vs Mahle Post Grant Opposition

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A post-grant opposition was filed against Indian patent no. 197527 by Elofic Industries (*Opponent*) on November 22, 2010. Anand and Anand represented the Opponent and won the post-grant opposition against the patentee, Mahle Filter Systems. The patent covered an invention related to metal-free filter for automobiles and method for manufacture thereof. Anand and Anand had filed the opposition on the grounds of *anticipation, lack of inventive step, prior knowledge* and *insufficiency*. The Controller found the arguments of the Opponent on the ground of inventive step convincing and allowed the opposition while revoking the patent. The patentee claimed formation of a polyamide weld layer between the plastic end caps and the opposing end of filter element as one of the prime inventive feature of the patent under opposition. The Opponent argued that the formation of a polyamide weld layer between the plastic end caps and the opposing end of the filter element is an obvious result of the technology disclosed in the cited documents. In light of the disclosure of the cited documents and submissions of the Opponent, all the essential technical features of the claims including the weld layer were found obvious by the Controller. Moreover, it was held that the impugned invention does not achieve anything over and above the expected. **Significance:** The Controller acknowledged lack of inventive step in spite of no literal support for the feature of 'a polyamide weld layer between the plastic end caps and the opposing end of filter element' in the cited documents but based on inherent presence of a said feature in the prior art. Team Anand and Anand: Archana Shanker and Sandeep Pandey



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