



**INTELLECTUAL  
PROPERTY INDIA**

एकस्व/PATENTS|अभिकल्प/DESIGNS|

व्यापार चिह्न/TRADE MARKS|भौगोलिक

उपदर्शन/GEOGRAPHICAL INDICATIONS



सत्यमेव जयते

**भारत सरकार**

**GOVERNMENT OF INDIA**

एकस्व कार्यालय / THE PATENT OFFICE

बौद्धिक सम्पदा भवन / I.P.O. BUILDING

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सं.संख्या/Ref.No /आवेदन संख्या/Application No/ 202341032600

दिनांक/Date of Dispatch/Email: 02-09-2024

सेवा मे,/To

Mr. Y V S DEEPAK,,

Mr. Y V S DEEPAK, 21/22, VENKATESHWARA NAGAR, 2ND STREET, PART 1, KODUNGAIYUR, CHENNAI, TAMIL NADU, INDIA. yvsdeepak@gmail.com

Email : yvsdeepak@gmail.com

**विषय:** एकस्व अधिनियम, 1970 की धारा 12 व 13 तथा एकस्व नियम, 2003 के अधीन परीक्षण रिपोर्ट

**Subject:** Examination report under sections 12 & 13 of the Patents Act, 1970 and the Patents Rules, 2003.

1. उपर्युक्त आवेदन के संदर्भ में परीक्षण रिपोर्ट ( अर्थात, एकस्व नियम, 2003 (यथा संशोधित) के नियम 24-ख(3) में विनिर्दिष्ट आपत्तियों का प्रथम कथन ) इसके साथ संलग्न है। यह रिपोर्ट परीक्षण हेतु अनुरोध दिनांक 09-05-2023 के उत्तर में जारी की गयी है। परीक्षण रिपोर्ट का उत्तर दाखिल करने की अंतिम तिथि (अर्थात, इस रिपोर्ट में लगाई गयी सभी आवश्यकताओं के अनुपालन की अवधि) आवेदक को आपत्तियों का प्रथम कथन जारी होने की तिथि से छः माह है।

Please find enclosed herewith an Examination Report ( i.e. a first statement of objections as specified in Rule 24-B(3) of The Patents Rules, 2003 (as amended) ) in respect of above-mentioned application. This report is issued with reference to a request for examination dated 09-05-2023. The last date for filing a response to the Examination Report (i.e. a period to comply with all the requirements raised in this examination report) is six months from the date on which the first statement of objections is issued to the Applicant.

2. यदि रिपोर्ट के अंतर्गत लगाई गयी आवश्यकताओं का अनुपालन एकस्व नियम, 2003 (यथा संशोधित) के नियम 24 ख(5) में विनिर्दिष्ट अवधि के भीतर अंदर अनुपालन नहीं किया गया तो एकस्व अधिनियम 1970 की धारा 21(1) के अधीन वर्तमान आवेदन को परित्यक्त माना जाएगा।  
The instant application shall be deemed to have been abandoned under Section 21(1) of The Patents Act, 1970, unless all the requirements raised in this report are complied with in the period as specified in Rule 24-B (5) of The Patents Rules, 2003 (as amended).
3. आपका ध्यान एकस्व नियम, 2003 के नियम 24 ख(6) के प्रावधानों की ओर भी आमंत्रित किया जाता है।  
Your attention is also invited to the provisions of Rule 24-B (6) of the Patents Rules 2003.
4. आपको सलाह दी जाती है कि शीघ्र निपटान हेतु अपना उत्तर शीघ्र प्रस्तुत करें।  
You are advised to file the reply at the earliest for early disposal.

**Sonu Kumar**

नियंत्रक पेटेंट/ Controller of Patents

**संलग्न/Enclosed:** अपरोक्त अनुसार/As above

**टिप्पणी:** यह इलेक्ट्रॉनिक रूप से उत्पन्न रिपोर्ट है।

**NOTE:** This is an electronically generated report.

सभी पत्राचार नियंत्रक एकस्व को उपरोक्त पते पर भेजा जाये।

All communications should be sent to the Controller of Patents at the above mentioned address.

## परीक्षण रिपोर्ट /Examination Report

आवेदन संख्या /Application Number	202341032600
दाखिल करने की तिथि /Date of Filing	09-05-2023
पूर्विका दिनांक /Date of Priority	--
पीसीटी अंतर्राष्ट्रीय आवेदन की संख्या व दिनांक / PCT International Application No. & Date	--
आवेदक /Applicant	Mr. Y V S DEEPAK
परीक्षण हेतु अनुरोध की संख्या व दिनांक /Request for Examination No. & Date	R20234017963 09-05-2023
प्रकाशन की तिथि /Date of Publication	16-06-2023

इस परीक्षण रिपोर्ट के चार भाग हैं, अर्थात रिपोर्ट का सारांश, विस्तृत तकनीकी रिपोर्ट, औपचारिक आवश्यकताएँ तथा रिकॉर्ड में दस्तावेज़ /  
This examination report consists of four parts, namely summary of the report, detailed technical report, formal requirements and documents on record.

### भाग -1: रिपोर्ट का सारांश

#### PART-I: SUMMARY OF THE REPORT

क्र. सं. /Sl. No.	अधिनियम के तहत आवश्यकताओं पर विस्तृत टिप्पणियाँ /Requirements under the Act	दावों की संख्या /Claim Numbers	टिप्पणी /Remarks
1.	धारा 2(1)(ग) के तहत आविष्कार /Invention u/s 2(1)(j)	नवीनता /Novelty	दावे /Claims:
		दावे /Claims: 1-2	हाँ /Yes
		दावे /Claims: 1-2	नहीं /No
		आविष्कारी कदम / Inventive step	दावे /Claims:
		दावे /Claims: 1-2	हाँ /Yes
		दावे /Claims: 1-2	नहीं /No
2.	[धारा 10(5) व 10(4) (ग)] के अधीन दावे /Claims [u/s 10(5) & 10(4) (c)]	औद्योगिक उपयोगिता /Industrial Applicability	दावे /Claims: 1-2
		दावे /Claims:	हाँ /Yes
		दावे /Claims:	नहीं /No
		स्पष्टता/ संक्षिप्तता /Clarity / Conciseness	दावे /Claims:
		दावे /Claims: 1-2	हाँ /Yes
		दावे /Claims: 1-2	नहीं /No

### भाग -II विस्तृत तकनीकी रिपोर्ट

#### PART-II: DETAILED TECHNICAL REPORT

#### क. उद्धृत दस्तावेजों की सूची /A.List of documents cited:

(क) पेटेंट साहित्य / (a). Patent Literature :

कोई दस्तावेज़ उद्धृत नहीं है /No Document Cited

(ख) गैर-पेटेंट साहित्य /(b).Non-patent literature

क्र. सं. / Sl.no	दस्तावेजों का विवरण /Details of documents	प्रकाशन तिथि(दिन/माह/वर्ष) /Publication date	उद्धृत दस्तावेज का प्रासंगिक विवरण (पृष्ठ व अनुच्छेद संख्या) /Relevant description (page and paragraph no.) of cited document	अभिकथित आविष्कार के दावे /Relevant claims of cited document	अभिकथित आविष्कार के दावे /Claims of alleged invention
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# THE PATENT OFFICE

1	D1: Alcohol Detection and Engine Locking System; Nookala Venu, Vamshi M, Akhil V, Deepika K, Prashanth K, Raffiudhin M; International Journal from Innovative Engineering and Management Research (IJIEMR)	09/12/2022	abstract, sections 4-5		1-2
2	D2: Alcohol Detection System to Reduce Drunk Driving; DOI : 10.17577/IJERTCONV9IS03077; Melanie Anthony, Ruchi Varia, Arjun Kapadia, Mrinmoyee Mukherjee; International Journal of Engineering Research & Technology (IJERT)	22/02/2021	abstract, sections I-VIII		1-2

## ख. अधिनियम के तहत आवश्यकताओं पर विस्तृत टिप्पणियाँ /B. Detailed observations on the requirements under the Act:

### (1).नवीनता / NOVELTY:

(I) उपर उद्धरित दस्तावेज़ के संदर्भ (1-2) में दिये गए प्रकटन के पूर्वानुमान को ध्यान में रखते हुए, निम्नलिखित कारणों से दावा(वों) (1-2) में नवीनता की कमी है /

Claim(s) (1-2) lack(s) novelty, being anticipated in view of disclosure in the document cited above under reference D1 for the following reasons:

The references to the document are given in parentheses.

Regarding claim 1, document D1 discloses an accurate sensing method for alcohol consumption detection in cars with an auxiliary assisting device (see abstract, sections 4-5) comprises:

A plurality of gas sensing layers; An electrode; An electrode line; A heater coil; A tubular element; An anti-explosion unit; A clamp ring; A resin base; A tube pin; and An Arduino UNO (see abstract, sections 4-5).

Characterised by, wherein, the gas sensing layer is used for detecting alcohol based on the sensitive material depends on the resistance change when the sensor is exposed to alcohol gas placed four sensors around the driver, therein, a MQ3 sensor has the internal elements further comprises of the electrode, the electrode line, the heater coil, the tubular element, the anti-explosion unit, the clamp ring, the resin base and the tube pin which is embedded over the Arduino UNO, multiple in numbers as the MQ3 sensors (see abstract, sections 4-5),

wherein, the complete process of data sensing through the MQ3 to the Arduino UNO, is assessed by the coding which is embedded with it (see abstract, sections 4-5),

wherein, the accuracy of said device is based on the plurality of sensors placed around the driver therein, by identifying the type of alcohol with additional data whether the driver is consumed alcohol or not, and an aggressive driving pattern by the driver by on board diagnostics unit (see abstract, sections 4-5), and

wherein, collected data is further used to communicate to the stakeholders to safe guard and make fines (see abstract, sections 4-5).

Thus, in view of the teachings of D1, the technical aspects as claimed in independent claim 1 are lacking the 'novelty' aspect as per Section 2(1)(j) of the Indian Patent Act 1970, as amended.

Dependent claim 2 does not contain any features which, in combination with the features of the claim to which it refer. Features of said claim are directly known from D1. Hence the subject matter of claims 1-2 is not novel.

## (2). आविष्कारी कदम / INVENTIVE STEP:

(I) ऊपर उद्धरित दस्तावेज़(जों) के संदर्भ D1, D2 में स्पष्ट अध्यापन(जों) को ध्यान में रखते हुए, निम्नलिखित कारणों से दावा(वों) (1-2) में आविष्कारी कदम की कमी है

Claim(s) (1-2) lack(s) inventive step, being obvious in view of teaching (s) of cited document(s) above under reference D1, D2 for the following reasons:

If novelty should be disputed based on some minor difference of interpretation, it is pointed out that the subject matter of these claims would in any case not involve an inventive step, given that D1 attempts to solve the same problem and describes the same type of solution as presently claimed.

However, for the sake of completeness, if the applicant wishes, D2 may also be referred. In addition to the teachings of D1, D2 also relates to the subject matter of claims 1-2 and discloses all features of claims 1-2 (refer abstract, sections I-VIII). Therefore by combining the teaching of D1 and D2, a person skilled in the art, without being inventive would readily arrive at the subject matter of claims (all). Therefore these claims lack inventive steps under section 2(1) (ja) of, The Patents Act, 1970.

## (3). प्रकटन की दक्षता / SUFFICIENCY OF DISCLOSURE:

## (4). स्पष्टता एवं संक्षिप्तता / CLARITY AND CONCISENESS:

(I) दावा(वे) 1-2 के संबंध में स्पष्ट रूप से परीभाषित नहीं हैं.

Claim(s) 1-2 are not clearly worded in respect of:

1. Independent and its subsequent dependent claims of the instant application should be clearly formulated defining the correct scope of the invention, U/s 10 (4) of the Indian patent act, 1970.
2. The applicant has drafted the claims in an unmethodical way; it is reflected as a mere presentation of information, having no linkages between different parts of the claim in order to draw any meaningful observation. Hereby it is directed to the applicant to frame in an orderly fashion having proper linkages between different parts, mechanisms, concepts, and clear demarcation of inventive features by characterization of the principal claim to enable the examiner to understand the features and the mechanism over which the patent is sought, however, such amendment must be within the scope of originally filed claim.
3. In claim 1, the preamble mentions "An accurate sensing method", but the body of the claim describes a device. This creates confusion about whether the claim is directed to a method or an apparatus.
4. The phrase "depends on the resistance change when the sensor is exposed to alcohol gas placed four sensors around the driver" is grammatically incorrect and unclear.
5. The claim mixes structural elements (e.g., gas sensing layer, electrode) with functional language (e.g., "used for detecting alcohol", "assessed by the coding") in a way that makes it unclear whether infringement occurs when one creates the system or when the system is used.
6. The phrase "multiple in numbers as the MQ3 sensors" is vague and unclear.
7. The term "aggressive driving pattern" is subjective and not clearly defined.
8. The final wherein clause about communicating to stakeholders is vague about what specific steps are involved.
9. In claim 2, the phrase "can be embedded" makes it unclear whether this limitation is required or optional.
10. The phrase "for better data collection" is subjective and lacks clear boundaries.
11. The claim introduces new elements like "family members" and "concerning authorities" without clearly defining their relationship to the system.
12. The overall structure and grammar of the claim make it difficult to understand the scope of the claimed invention.
13. For both claims, there are issues with proper antecedent basis for several terms, and the claims use informal language that lacks precision required for patent claims.

## (5). अन्य आवश्यकताएँ / OTHERS REQUIREMENTS:

# THE PATENT OFFICE

(I)

1. If any amendment is necessitated in the complete specification then it is required to clearly identify (submission of marked copy) the amendments carried out and to indicate the portion (page no and line no) of the complete specification as filed on which these amendments are based on.
2. Details regarding the search and/or examination report including claims of the application allowed, as referred to in Rule 12(3) of the Patent Rule, 2003, in respect of same or substantially the same invention filed in all the major Patent offices along with appropriate translation where applicable, should be submitted within a period of six months from the date of receipt of this communication as provided under section 8(2) of the Indian Patents Act.
3. All the submitted documents and forms have been presumed as originally signed by the authorized signatory under the provisions of the Patents Act, 1970. If not, submit the originally signed copy of the same failing to which the document may not be considered filed.

## भाग – III: औपचारिक आवश्यकताएँ /PART-III: FORMAL REQUIREMENTS

आपत्तियाँ /Objections	टिप्पणी /Remarks
Statement & Under Taking (Form 3 Details)	Details regarding application for Patents which may be filed outside India from time to time for the same or substantially the same invention should be furnished within six months from the date of filing of the said application under clause(b) of subsection(1) of section 8 and rule 12(1) of the Patents Act, 1970 (as amended). Applicant must furnish details relating to the processing of application outside India from time to time as per section 8(2) of the Patents Act, 1970(as amended).
Format of Specification (rule 13)	The 'title' of the alleged invention is missing from the 'abstract' submitted by the applicant. Moreover, the necessary figure isn't indicated in the abstract. The 'abstract' should be prepared in accordance with the instructions contained in Rule 13{7} of the Patent Rules, 2003(as amended).
Format of Drawings	Drawings must be prepared in proper format and neatly and clearly as per rule 15 of the Patents Act, 1970(as amended) and must contain the name of the applicant in the left-hand top corner and number of sheets of drawings, and the consecutive number of each sheet in the right-hand top corner and must be signed by the applicant in the right-hand bottom corner.
Other Deficiencies	<ol style="list-style-type: none"> <li>a. All the submitted documents and forms like PA/GPA etc. have been presumed as originally signed by the authorized signatory under the provisions of the Patents Act, 1970. If not, submit the originally signed copy of the same failing to which the document may not be considered filed.</li> <li>b. If any amendment is necessitated in the complete specification then it is required to clearly identify (submission of marked copy) the amendments carried out and to indicate the portion (page no and line no) of the complete specification as filed on which these amendments are based on. Further the pages wherever amendments are carried out need to be freshly typed on white pages and to be filed in duplicate.</li> </ol>

## भाग-IV: रिकॉर्ड में दस्तावेज़ /PART-IV: DOCUMENTS ON RECORD

निम्नलिखित दस्तावेज़ों के आधार पर यह परीक्षण रिपोर्ट तैयार की गयी है

The examination report has been prepared based on the following documents:

# THE PATENT OFFICE

कार्यसूची तिथि / Docket Date	कार्यसूची संख्या /Docket Number	प्रविष्टि संख्या विवरण /Entry Number Description
09 May 2023	46114	1-New Application For Patent With Provisional /Complete Specification
09 May 2023	46114	12-Request For Early Publication - Form 9
09 May 2023	46114	2-Complete After Provisional Specification - Form 2 Check For No. OF Pages & Claims
09 May 2023	46114	3-Statement & Undertaking - Form 3
09 May 2023	46114	5-Declaration As To Inventorship - Form 5
09 May 2023	46114	28(i)-Request For Examination After 18 months Publication - Form 18

परीक्षक का नाम /Name of the Examiner: [ASHISH CHOUDHARY](#)

परीक्षक स्थान /Examiner Location: [Delhi](#)

नियंत्रक का नाम /Name of the Controller: [Sonu Kumar](#)

Controller's Email: [sonuprakash.ipo@gov.in](mailto:sonuprakash.ipo@gov.in)

नियंत्रक स्थान /Controller Location: [Kolkata](#)

टिप्पणी: परीक्षण रिपोर्ट का उत्तर दाखिल करने की अंतिम तिथि / Note: Last date for filing response to the Examination Report:  
02-03-2025