

THE PATENTS ACT, 1970

As amended by THE PATENTS (AMENDMENT) ACT, 2005

AND

THE PATENT RULES, 2003

As amended by THE PATENTS (AMENDMENT) RULES, 2016

Section 15

**In the matter of Patent Application
No. 1309/DELNP/2006 dated
09/03/2006**

Hearing offered on 08th June 2017

GOOGLE TECHNOLOGY HOLDINGS LLC

.....Applicants

ORDER

The instant Patent application No. 1309/DELNP/2006 was filed by the applicant **MOTOROLA MOBILITY LLC** (now changed to **GOOGLE TECHNOLOGY HOLDINGS LLC**) on 09/03/2006 for the invention titled "**METHOD AND APPARATUS FOR PROVIDING A TEXT MESSAGE**".

The Request for Examination under section 11B was filed by the Applicant vide request no. 2252/RQ-DEL/2006 dated 09/03/2006.

Consequent to the Request for Examination, the said application was examined under sections 12 and 13 of Patents Act, 1970(as amended) and the First Examination Report (FER) containing objections was communicated to the Applicant on 09/01/2014. In

response to the First Examination Report, agent for the Applicant has submitted his reply vide letter dated 08/01/2015.

The reply to the First Examination Report was examined under section 13(3) and it was observed that the said patent application was not in order for grant. In order to dispose of the application, a hearing was offered to the applicant under section 14 of the Patents Act and accordingly the hearing was fixed on 08/06/2017 in respect of the following objections which were conveyed through hearing notice dated 11/05/2017:

- 1) ***The claims 6-9 of the alleged invention do not have inventive hardware features. They have only convention hardware features. The invention lie only in the method. Hence the claims 6-9 of the alleged invention can not be allowed u/s 2(1) (j) of The Patents Act, 1970.***
- 2) ***Amended claims 1-5 still fall within the scope of such clause (k) of section 3 of Patents Act 1970 (as amended in 2005).Claims directed toward a method recite steps which are performed with the help of computer program and hence not patentable.***
- 3) ***GPA should be stamped as per Indian Stamp Act.***
- 4) ***English translation of the priority document duly verified by the applicant or the person authorized by him should be filed as prescribed in Rule 21 of Patents Rules, 2003(as amended).***

However, agent for the applicant neither appeared before the undersigned for hearing on the scheduled date and time nor filed any submission/reply in respect of the hearing notice. Rather, the agent for the applicant informed the office through letter dated 08/06/2017 stating that

“The client is no longer interested in pursuing this application. Accordingly, please decide the application based on the document on record and on merit of the subject matter.”

As mentioned above, the substantive requirements under section 2(1) (j), 3(k) and other formal requirements of Patents Act, 1970 raised in the hearing notice are still outstanding and thus the agent for the applicant has failed to meet the said requirements of the Patents Act, 1970.

In view of the above facts on record and non-compliance of the outstanding objections raised in the hearing letter, this application 1309/delnp/2006 is hereby refused under section 15 of Patents Act, 1970(as amended).

Dated: 12/06/2017

(Chetashri Parate)
Asst. Controller of Patents & Designs

Copy to: Remfry & Sagar