



WEB COPY

CMA(PT) No. 3 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CMA(PT) No. 3 of 2024

Qualcomm Incorporated
5775 Morehouse Drive, San Diego, CA 92121-
1714, United State of America,
Rep. herein by its Power Agent
Tanmay Joshi
Having address at D-601, Wembley Estate, Sector
49, Gurugram 122018.

..Petitioner(s)

Vs

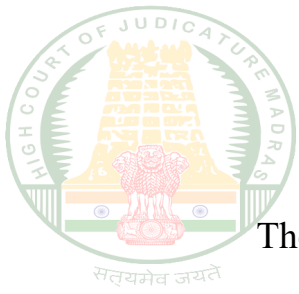
Controller Of Patents And Designs
Patent Office Intellectual Property Building,
G.S.T.Road, Guindy, Chennai 600 032.

..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 issue an order setting aside the Impugned order dated January 14, 2021 for being unjust, illegal and arbitrary and consequently issue direction to the Respondent to grant a patent on the Patent Application No. 6970/CHENP/2013 and pass such other appropriate relief, order and/ or direction, which this Court may deem fit and proper.

For Petitioner(s): Mr.P. Rajkumar

For Respondent(s): Mr.J.Madanagopal Rao, SPCGSC
Assisted by
Ms.S.Sasikala



JUDGMENT

The present Appeal has been filed challenging the order of the Controller of Patents and Designs, dated January 14, 2021 for being unjust, illegal and arbitrary and consequently issue direction to the Respondent to grant a patent on the Patent Application No. 6970/CHENP/2013.

2. Heard both sides.

3. The patent application of the appellant had been rejected solely on the ground that the invention is obvious to a person skilled in the art to arrive at the claimed feature on the basis of the prior art D1 & D2 and common general knowledge. The impugned order also indicates that the said invention would be obvious in the course of a normal research, experiment and trial & error to hold that the invention lacks inventive steps as required under Section 2 (1)(ja) of the Act. The impugned order further reveals that while considering the claim based upon the cited documents have been extracted and the judgment of the Hon'ble Delhi High Court relating to a person in skilled art had been extracted and conclusion have been arrived at.

4. It is also to be noted that no reasons have been given by the respondent as to why the oral and written submissions made by the Agent of the appellant were liable to be rejected except to blanketly state they there were considered.



For the aforesaid reasons, this Court is of the view that the aforesaid order suffers from the vice of arbitrariness and therefore is a colourable exercise of power.

5. In such view of the matter, the impugned order 14.01.2021 rejecting the Grant of Patent is set aside and the matter is remanded for reconsideration on the following terms:

(a) In order to preclude the possibility of pre determination, an officer other than the officer who issued the impugned order shall undertake re-consideration.

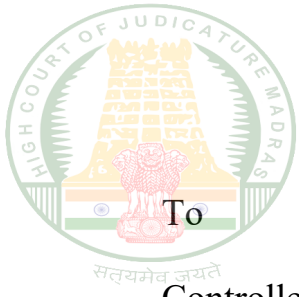
(b) After providing a reasonable opportunity to the appellant, a reasoned decision shall be issued within a period of four months from the date of receipt of a copy of this order.

(c) For the avoidance of doubt, it is made clear that no observation has been made on the merits of the patent application.

6. On the above terms, this Appeal is disposed of. However, there shall be no order as to costs.

14-07-2026

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



To

Controller Of Patents And Designs
Patent Office Intellectual Porperty Building,
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K.KUMARESH BABU, J.

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