

ORDER SHEET
AID/8/2021
IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION
ORIGINAL SIDE

TELEFONAKTIEBOLAGET LM ERICSSON (PUBL)
Versus
THE CONTROLLER OF PATENTS AND DESIGNS AND ORS.

BEFORE:
The Hon'ble JUSTICE SHEKHAR B. SARAF
Date: 29th November, 2021.

(Via Video Conference)

Appearance:
Mr. Ranjan Bachawat, Sr. Adv.
Mr. Paritosh Sinha, Adv.
Mr. K.K. Pandey, Adv.
Mrs. Mitul Dasgupta, Adv.
Mr. Sarosij Dasgupta, Adv.
Mr. S.B. Dasgupta, Adv.

Mr. Rudraman Bhattacharya, Adv.

The Court: This is an appeal under Section 117A of the Patents Act against the order dated July 7, 2021 passed by the Assistant Controller of Patents and Designs, Delhi in Patent Application No.201637006109 dated August 6, 2014 (Nationalization date February 22, 2016), U/S 15 of the Patents Act thereby refusing to grant Patent on the said application.

I have heard counsel appearing on behalf of the parties and noted that there has been some violation of the principle of natural justice.

After hearing Mr. Bachawat, senior counsel, appearing on behalf of the appellant, I am of the view that the respondent no.3 should have directed for a second examination report and allowed the appellant to deal with the fresh objection raised in the hearing notice by filing a further amended specification.

In light of the above, I am of the view that this matter be remanded to the appropriate Patent Officer to grant another opportunity of hearing to the appellant keeping in view the observations made above. It may be further advised that a personal hearing be granted in Kolkata so that there remains no scope for violation of principle of natural justice.

AID/8/2021 is, accordingly, allowed.

(SHEKHAR B. SARAF, J.)