

IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction
ORIGINAL SIDE

AID/9/2022

CISCO TECHNOLOGY INC
VS
THE ASSISTANT CONTROLLER OF PATENTS AND DESIGNS

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 16th December, 2022.

Appearance:
Mr. Nikunj Barlia, Adv.
Mr. Varun Kothari, Adv.
Mr. S. Garg, Adv.
...for the petitioner

Mr. Indrajeet Dasgupta, Adv.
Ms. Puspita Bhowmick, Adv.
Ms. Rima Biswas, Adv.
...for the respondent

The Court:- This appeal is directed against an order dated 18th December, 2020 (the impugned order) passed by the learned Assistant Controller of Patents and Designs in connection with an application for grant of a patent filed by the appellant.

The appellant assails the impugned order primarily on the ground that in disposing of an amendment application seeking amendment of the original patent application, the Learned Controller failed to give any reasons.

A perusal of the impugned order shows that the Controller has primarily come to a finding that the amended claim was not within the scope of the original claim. However, there are no reasons whatsoever in the impugned order.

The Controller has not dealt with the case of amendment nor has the Controller given any reasons in rejecting the amendment.

The respondent authorities are represented. It is fairly submitted on behalf of the respondent authorities that insofar as the impugned order is bereft of reasons, the respondent authorities cannot justify the same. The Controller is directed to hear the matter afresh after giving a hearing to the appellant.

With the aforesaid directions, the appeal stands allowed to the aforesaid extent only and the impugned order is set aside.

The Controller is directed to conclude the proceedings within a period of three months from the date of communication of this order.

Accordingly, AID/9/2022 is disposed of.

(RAVI KRISHAN KAPUR, J.)

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