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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 25th August, 2023

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C.A.(COMM.IPD-PAT) 377/2022

SINTEX INDUSTRIES LIMITED

..... Appellant

Through: None.

versus

CONTROLLER OF PATENTS AND DESIGNS AND
ANR

..... Respondents

Through: Mr. Varun Mishra, Ms. Deepakshi
Rathore, Mr. Aranya Sahay, Advs. for
R-1. (M: 8955118275)

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present appeal has been filed by M/s Sintex Industries Limited challenging the order dated 30th December, 2011 issued by the Id. Assistant Controller of Patents and Designs (*hereinafter 'Controller'*) by which Indian Patent No. 197086 titled '*Power Interface Unit*' (*hereinafter 'subject patent'*) has been revoked. By the said order, the patent has been revoked on the ground of insufficiency of disclosure.
3. This appeal challenges the order of revocation, to the limited extent that other grounds taken by the Appellant- Sintex Industries Limited in the impugned order have not been considered by the Id. Controller. The finding of the Id. Controller, in the impugned order is set out herein below:

"26. Therefore, considering the grounds of opposition, the admissible evidences brought forward, the recommendation of the opposition board and the submissions of both the parties during hearing, I am of



the opinion that though the opposition have failed to, produce valid evidences in support of their other grounds of opposition and were unable to put forward sufficient arguments in their favour, the patentee has also failed to justify the grounds of insufficiency of disclosure as the complete specification does not sufficiently and clearly describes the invention to enable a person who is reasonably skilled in the relevant field to perform the invention in absence of inter-connectivity of sub components of the invention and in absence of clear definition of "logic" as mentioned in the claims.

27. I, therefore, order that the granted patent number 197086 is hereby revoked as it does not sufficiently and clearly describe the invention for any skilled person in the art to understand and perform the invention."

4. The subject patent application was filed by M/s ACME Tele Power Pvt. Ltd. on 21st September, 2004, vide Patent Application No. 1782/DEL/2004 for grant of patent in respect of the invention titled 'Compact Power Interface Unit'. The subject patent application has one Independent Claim. The Independent Claim as filed as also the said Claim as granted is set out below:

Independent Claim as Filed	Independent Claim as Granted
"1. An integrated electrical panel comprising of a control module responsible for management of peripheral units, a power conditioner unit, AC power distribution unit, and Auto Mains Failure (AME) system."	"1. A compact power interface unit comprising of a control module based on high-speed micro-controller responsible for management of peripheral units, a power conditioner unit based on advance computing system, AC power distribution unit provided for load termination, and Auto Mains Failure (AMP) system which connects mains or generator as per the logic as herein described."

5. M/s Sintex Industries Limited filed a post grant opposition under



Section 25(2) of the Patents Act, 1970 raising various grounds for revocation including insufficiency of disclosure under Section 25(2)(g) of the Act etc. The patent office, vide the impugned order dated 30th December, 2011, revoked the patent on the ground that the patentee had failed to justify the ground of insufficiency of disclosure. The said grounds raised by the Appellant in the Post Grant Opposition are extracted as under:

“(a) The so called invention is in public domain for several years

(b) That the respondent has simply applied the know how of public domain and wrongfully claim himself to be an inventor and has suppressed such facts.

(c) that the invention so far as claimed in any claim of the complete specification was publicly known or publicly used in India and other, countries before the priority date of that claim.

(d) that there is new invention of the Respondent but simple copy of work which is well known to even a lay man irrespective of its field.

Whereas, a well known fact cannot be an invention of some person merely because he coins to copy the work and claim to be an inventor.

The term Invention can be understood in terms of Blacks Law Dictionary to be "A patentable device or process created through Independent effort and characterized by an extraordinary degree of skill or ingenuity or a newly discovered art or operation.

In this case, there cannot be any independent effort of the Respondent at any given point of time so as to establish that the concept of Power- Interface Unit is an outcome of Independent effort and original in its concept.

(e) That the invention so far as claimed by the respondent in its specification is obvious and dearly does not Involve any inventive step as was used in India before the priority date of the Respondents claim.



(g) That the subject of any claim of the complete specification is not an invention within the meaning of this Act, or is not patentable under this Act.

(h) That the complete specification does not sufficiently and clearly describe the invention or the method by which it is to be performed.”

6. The Court has perused the record of the present appeal which was initially before the Intellectual Property Appellate Board (IPAB) in 2012 was transferred to this Court after the enactment of the Tribunals Reforms Act, 2021. The office noting would show that both the Appellant and the Respondent No.2 were served. In fact, the Appellant entered appearance on some occasions but did not remove deficiencies. None has appeared for the Respondent No.2 till date.

7. Under such circumstances, the following four main conclusions emerge:

- The subject patent has already been revoked;
- The main prayer of the Appellant for revocation of the subject patent is already satisfied;
- The Appellant has consistently not been appearing in this matter;
- The term of the subject patent would be over in August 2024.

8. The appeal is thus dismissed.

9. However, if the patent applicant has filed any proceedings challenging the revocation, the present order would not affect Sintex's right to raise all grounds which form the basis of the post-grant opposition.

PRATHIBA M. SINGH
JUDGE

AUGUST 25, 2023/dk/am