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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **C.A.(COMM.IPD-PAT) 112/2022**
FIBROCELL TECHNOLOGIES INC.

..... Appellant

Through: Mr. Debashish Banerjee, Mr. Ankush
Verma, Ms. Vaishali Joshi and Mr.
Pankaj Soni, Advocates.

versus

CONTROLLER OF PATENTS

..... Respondent

Through: Mr. Arjun Mahajan, SPC with Mr.
Apoorv Upmanyu, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

12.02.2024

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1. In terms of order dated 24th January, 2024, Mr. Arjun Mahajan, Senior Panel Counsel for the Respondent, states on instructions that Respondent, without prejudice to their rights and contentions, would be willing to re-examine the contentions of the Appellant.
2. In light of the above, the following directions are issued:
 - (i) Impugned order dated 19th February, 2019 is set aside.
 - (ii) The Patent application is restored to its original number.
 - (iii) The Assistant Controller of Patents is directed to issue a fresh notice of hearing specifying all grounds of objections therein.
 - (iv) Thereafter an opportunity of hearing shall be afforded to Appellant and a decision thereon shall be rendered within a period of four months from date of conclusion of hearing.



(v). Needless to say, that the Patent office shall take into consideration all the relevant case laws on the issue which is germane to deciding the Appellant's application.

(vi). The Assistant Controller of Patent shall not be influenced or take into consideration any of the observations which were made in the impugned order.

3. Accordingly, the present appeal is allowed and disposed of.

4. All rights and contentions of both the parties are left open.

SANJEEV NARULA, J

FEBRUARY 12, 2024

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