

IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE
(Intellectual Property Rights Division)

IPDPTA/1/2024

VIFOR (INTERNATIONAL) AG
VS
ASSISTANT CONTROLLER OF PATENTS AND DESIGNS AND ORS

Before:

The Hon'ble Justice RAVI KRISHAN KAPUR

Date: 7th May 2025

Appearance:
Ms. Archana Shankar, Adv.
Ms Mini Agarwal, Adv.
...for appellant.

Mr. Guruswami Nataraj, Adv.
Mr. Arkaprava Sen, Adv.
Mr. S. Kar, Adv.
...for respondent no. 2

Mr. Deepan Kumar Sarkar, Adv.
Mr. Prithwish Roy Chowdhury, Adv.
Mr. Addya Chawla, Adv.
Mr. Rajnish Singh, Adv.
Mr. Debanwita Pramanik, Adv.
...for respondent. No. 3

The Court: It is submitted on behalf of the appellant on instructions that they do not intend to proceed with this appeal and seek liberty to withdraw the same on the condition that the appellant is permitted to file an amendment to the parent application claiming the embodiment of the invention under section 10(5) of the Patents Act, 1970.

Without prejudice to their rights, the submissions are not opposed by the respondents.

In view of the above, IPDPTA/1/2024 stands disposed of with liberty to the appellant to file an appropriate application for amendment in accordance with law, if the circumstances so warrant.

It is made clear that all points urged by all the parties are left open to be decided at the appropriate stage, in accordance with law.

(RAVI KRISHAN KAPUR, J.)

