

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

COMMERCIAL MISCELLANEOUS PETITION NO. 141 OF 2025

Fraunhofer Gesellschaft Zur Forderung

Der Angewandten Forschung E V

...Petitioner

Versus

Assistant Controller Of Patents And Designs & Anr.

...Respondents

Ms. Swati Mittal (through V.C.) a/w Mr. Manish Aryan, Ms. Paulome Mehta, Ms. Manisha Singh, Mr. Abhai Pandey, Mr. Nishant Rai, Ms. Shivani Singh and Ms. Shweta Nisar i/b Sonal Doshi & Co., for the Petitioner.

Mr. Yashodeep Deshmukh a/w Ms. Vaidehi Pradeep, Mr. Aniket Bomble i/b Carina, for the Respondents.

CORAM : ARIF S. DOCTOR, J.

DATE : 18th NOVEMBER 2025

P.C.

1. The present Commercial Miscellaneous Petition seeks the following substantive reliefs:

"a) This Hon'ble Court be pleased to admit the present Petition and after considering the aforesaid substantial grounds allow the petition;

(b) This Hon'ble Court be pleased to set aside/quash the impugned order dated December 31, 2024 being Exhibit "A" hereto;

(c) This Hon'ble Court be pleased to remand the present patent application back to the Patent office for the grant of the patent and to the other responsible officer of the Patent office other than the officer who passed the impugned order;

(d) Passing any other appropriate relief, order and/or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case and to meet the ends of and in the interest of justice; and "

2. Mr. Deshmukh, learned counsel appearing on behalf of the Respondents has adopted a fair stand. He submits that though the reply to the First Examination Report (FER) was filed by the Petitioner on 9th September 2022, the same did not reflect on the records on account of a technical glitch on the part of the Respondents. He submits that the said reply, having been filed in time, will now be considered by Respondent No.2 and an appropriate order will thereafter be passed. He submits that in these circumstances, the order dated 31st December 2024 can be quashed and set aside.

3. Accordingly, I pass the following order:

- (i) The order dated 31st December 2024 is quashed and set aside.
- (ii) The Respondents shall consider the reply filed on 9th September 2022 and thereafter pass an appropriate order/further directions, as the case may be.

4. The Miscellaneous Petition is disposed of in the aforesaid terms.

[ARIF S. DOCTOR, J.]