



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 24.04.2025

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(IPD) No.16 of 2025
&
WMP (IPD) Nos.12 & 13 of 2025

Adiuvo Diagnostics Private Limited
Represented by its Authorized Signatory
Geethanjali Radhakrishnan
3h 3rd Floor Villgro,
IIT Madras Research Park,
Tharamani, Chennai,
Tamil Nadu 600 113, India

... Petitioner

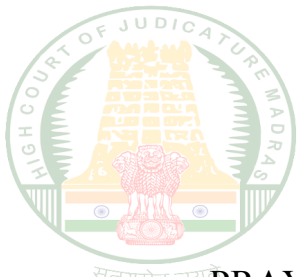
-VS-

1. Union of India
Through the Ministry of Commerce
Department of Industrial Policy &
Promotion Udyog Bhawan
New Delhi-110 011.

2. Assistant controller of Patents and Designs
The Patent Office
Intellectual Property Office Building,
G.S.T.Road, Guindy, Chennai-600 032

3. Moleculight Inc.
425 University Ave, Suite 700
Toronto, ON M5G 1T6, Canada

... Respondents



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PRAYER : Writ Petition (IPD) is filed under Article 226 of the Constitution of India prays to issue a writ of Certiorarified Mandamus to call for the records and quashing the recommendation of the Opposition Board in Patent No.323440 (Patent Application No.201741010111) and further direct the 2nd Respondent to constitute a fresh opposition board to give fresh recommendation in the post grant opposition proceedings against patent no.323440 after considering all the documents on record that is to be considered under Rule 57 to 60 of the Patents Rules, 2003.

For Petitioner : Ms.Vindhya S.Mani,
Mr.G.Sheerabdhinath
Ms.Harsitha Agarwal

For Respondents : Mr.K.Premchandar
for M/s.Anand & Anand for R3
Mr.M.Sathyan, ACGSC for R1 & R2

ORDER

By this writ petition, the recommendation of the opposition board in patent No.323440 is challenged by the patentee. The primary ground of challenge is that the opposition board appears to have only taken into account the patent application and the opposition thereto and has disregarded the affidavits and evidence placed on record by the parties.



WEB COPY 2. Without prejudice to the contentions on the merits of the opposition, learned counsel for the third respondent submits that the recommendations of the opposition board may be set aside and the matter remanded for consideration by a freshly constituted opposition board subject to the fixation of a reasonable time limit of about three months.

3. In view of the above submissions, it is unnecessary to adjudicate the matter on merits.

4. Accordingly, the following order is passed with the consent of the contesting parties:

(i) Impugned recommendations dated 04.03.2025 are set aside and the matter is remanded.

(ii) The second respondent is directed to reconstitute the opposition board, without including any members from the previous opposition board, within two weeks from the date of receipt of a copy of this order.



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(iii) The reconstituted opposition board shall consider all the evidence placed on record by the contesting parties and provide its recommendations within four weeks from the date of constitution of the said board.

(iv) The second respondent shall proceed to adjudicate the post-grant opposition and issue final orders within three months from the date of receipt of the recommendations of the freshly constituted opposition board.

5. WP(IPD) No.16 of 2025 is disposed of on the above terms without any order as to costs. Consequently, connected miscellaneous petitions are closed.

24.04.2025

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

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To
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SENTHILKUMAR RAMAMOORTHY J.

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