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

+ C.A.(COMM.IPD-PAT) 23/2026

KIDDE FIRE PROTECTION, LLC

.....Appellant

Through: Ms. Nancy Roy, Ms. Manika Arora
and Ms. Ananya C., Advocates.

versus

THE ASSISTANT CONTROLLER OF PATENTS
AND DESIGNS

.....Respondent

Through: Mr. Sukrit Seth, SPC with Mr.
Manish Rawat and Ms. Urvashi Basak,
Government Pleaders and Ms. Srishti Singh,
Advocate for UoI.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

% **ORDER**
22.05.2026

1. This appeal is filed on behalf of the Appellant under Section 117A of the Patents Act, 1970 ('1970 Act') laying a challenge to impugned order dated 09.02.2026 passed by the Respondent refusing Indian Patent Application No.202014048124 with a further direction to the Respondent to grant the patent or in the alternative, remand the matter for fresh consideration.



2. As stated in the appeal, present patent application relates to an invention titled 'ALARM WITH ENHANCED RADIO PERFORMANCE BY ISOLATION OF RADIO FROM ALARM COMPONENTS'. The application was filed in India on 04.11.2020 with priority date 13.11.2019 from US provisional application. Request for Examination was made on 04.11.2020 and First Examination Report ('FER') was issued on 22.07.2021. Appellant responded to the FER on 21.01.2022 and after hearing was conducted on 21.01.2026, post-hearing written submissions were filed on 02.02.2026, whereafter the impugned order was issued.

3. Ms. Nancy Roy, learned counsel appearing for the Appellant submits that the impugned order cannot be sustained for multiple reasons, the first and foremost being that the order is wholly cryptic and unreasoned. Respondent has proceeded on an incorrect understanding of the claimed invention by equating structural isolation with routine RF filtering and has treated the improvement in the antenna performance as an inherent effect. As the order reflects, reliance has been placed on prior art references without even identifying their teachings and suggestions and/or appreciating the differences brought forth by the Appellant. There is complete failure to undertake five-step determination of the application for purpose of deciding whether the claimed invention lacks inventive step, as directed by the Division Bench of this Court in ***F.Hoffmann-La Roche Ltd. & Anr. v. Cipla Ltd., 2015 SCC OnLine Del 13619.***

4. I have gone through the impugned order and find merit in the submission that the impugned order is unreasoned and non-speaking. This Court has repeatedly held that while examining a patent application under Section 2(1)(ja) of 1970 Act, it is imperative to consider the distinguishing



factors brought forth by the applicant *qua* the cited prior arts. It is equally settled that the five-step test must be adopted before the Controller arrives at a conclusion that the subject invention is not inventive. The impugned order shows that the Controller has neither resorted to the five-step test nor taken into consideration the response to the FER and written submissions of the Appellant, where the prior arts are elaborately discussed and distinguished. In paragraph 1 of the order, Respondent has noted the procedural history after recording the bibliographic details of the prosecution history. Paragraph 2 refers to the claims under consideration and while paragraph 3 bears a heading ‘Findings on inventive step (Section 2(1)(ja))’, Court is unable to discern any analysis of the distinguishing points raised by the Appellant *qua* the cited prior arts. No effort whatsoever has been made to follow the five-step test and even identify the person skilled in the art, which is the first of the five tests. In fact, as Ms. Nancy Roy points out that there is a self-contradiction in the order inasmuch as Respondent has acknowledged that D1 and D2 do not disclose the claimed isolation elements on the ground and power buses, which means that finding of lack of inventive step is based entirely on D3 and common general knowledge. D3, however, discloses the use of RF filters within circuit parts to suppress noise induced by RF fields, thereby ensuring stable voltage supply and reliable signal measurement and is thus directed towards improving measurement accuracy in sensor system through filtering of unwanted RF-induced signals in contrast to present invention, which relates to an alarm and detector system comprising a communication and antenna and employs a dual-isolation configuration, which enables controlled electromagnetic behaviour of the antenna including improved radiation characteristics and communication range,



which is fundamentally different from the objectives of D3.

5. Considering that the order is non-speaking and unreasoned, this Court has no option but to set aside the same. The importance of giving reasons in support of a view taken by any authority, more so *quasi-judicial* authority needs no emphasis. In ***Alfred Von Schukmann v. Controller General of Patents, Designs and Trademarks and Others, 2023 SCC OnLine Del 140***, this Court set aside the order as being unreasoned and failing to analyze the distinguishing factors brought forth by the applicant between the prior arts and the claimed invention and/or reflecting no discussion on how and why the subject invention was hit by the prior arts. I may also allude to the judgment of this Court in ***Agriboard International LLC v. Deputy Controller of Patents and Designs, 2022 SCC OnLine Del 940***, relevant passages of which are as follows:-

“23. The said reasoning has been reiterated by the Supreme Court in Manohar v. State of Maharashtra, (2012) 13 SCC 14 : AIR 2013 SC 681 wherein it has been categorically observed that application of mind and recording of reasoned decision are the basic elements of natural justice. There can be no doubt that scrupulous adherence to these principles would be required while rejecting patent applications.

24. In the opinion of this Court, while rejecting an invention for lack of inventive step, the Controller has to consider three elements-

- the invention disclosed in the prior art,*
- the invention disclosed in the application under consideration, and*
- the manner in which subject invention would be obvious to a person skilled in the art.*

25. Without a discussion on these three elements, arriving at a bare conclusion that the subject invention is lacking inventive step would not be permissible, unless it is a case where the same is absolutely clear. Section 2(1)(ja) of the Act defines ‘inventive step’ as under:

(ja) “inventive step” means a feature of an invention that involves technical advance as compared to the existing knowledge or having



economic significance or both and that makes the invention not obvious to a person skilled in the art.

26. Thus, the Controller has to analyse as to what is the existing knowledge and how the person skilled in the art would move from the existing knowledge to the subject invention, captured in the application under consideration. Without such an analysis, the rejection of the patent application under Section 2(1)(ja) of the Act would be contrary to the provision itself. The remaining prior arts which are cited by Id. Counsel having not been considered in the impugned order, the Court does not wish to render any opinion in this regard.”

6. Accordingly, this appeal is partially allowed quashing the impugned order dated 09.02.2026 and directing the matter to be reconsidered afresh. The decision will be taken within an outer limit of three months from today after granting an opportunity of hearing to the Appellant and taking into consideration response to the FER and the post-hearing written submissions by passing a reasoned and speaking order. It is made clear that this Court has not expressed any opinion on the merits of the case.

7. Appeal stands disposed of.

JYOTI SINGH, J

MAY 22, 2026/AK