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

+ C.A.(COMM.IPD-PAT) 43/2024 & I.A. Nos. 32798/2024 &
32799/2024

PFIZER INC

.....Appellant

Through: Ms. Vindhya S. with Mr. Bhuvan
Malhotra and Ms. Harshita Agarwal,
Advocates.

versus

THE DEPUTY CONTROLLER OF PATENTS AND DESIGNS
AND ANR

.....Respondents

Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra,
Mr. Alexander Mathai Paikaday,
Advocates.
(M): 9810788606

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
10.07.2024

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I.A. No. 32798/2024 (Exemption from filing clearer copies)

1. The present is an application under Section 151 of the Code of Civil Procedure, 1908 ("CPC") seeking exemption from filing originals, clearer copies, retyped/legible copies/translated copies and with existing margin.
2. Exemption is granted, subject to all just exceptions.
3. Applicant shall file legible, clear, and original copies of the documents, on which the applicant may seek to place reliance, within four weeks from today, or before the next date of hearing, whichever is earlier.



4. Accordingly, the present application is disposed of.

I.A. No. 32799/2024 (Exemption from filing legalized/apostilled and notarized Power of Attorney, Affidavits and Statement of Truth)

5. The present application has been filed on behalf of the appellant under Section 151 CPC seeking exemption from filing legalized/apostilled and notarized Power of Attorney, Affidavits and Statement of Truth.

6. It is submitted that owing to the appellant's authorized representative being based in United States of America, the appellant is unable to file the legalized/apostilled and notarized versions of the Power of Attorney, various affidavits and statement of truth, at this stage. Thus, it is prayed that as and when the counsels for the appellant are in receipt of the legalized/apostilled and notarized versions of the Power of Attorney, supporting affidavits and statement of truth, the same shall be filed accordingly, with the Registry of this Court.

7. Considering the submissions made before this Court, the appellant is exempted from filing the legalized/apostilled and notarized versions of the Power of Attorney, supporting affidavits and Statement of Truth at this stage.

8. The apostilled version thereof, be filed subsequently.

9. With the aforesaid directions, the present application is disposed of.

C.A.(COMM.IPD-PAT) 43/2024

10. The present appeal has been filed under Section 117A of the Patents Act, 1970 against the order dated 27th March, 2024 passed by the respondent no. 1, i.e., Deputy Controller of Patents and Designs, refusing the grant of Patent to Indian Patent Application being 201717005783.

11. Learned counsel appearing for the appellant submits that the



respondent no. 1 has passed the impugned order without providing any reasoning whatsoever, and has incorrectly concluded that subject matter of the present application does not constitute an invention under Section 2(1)(j) of the Patents Act, for lack of any technical advancement in view of the prior D1-D5; and for non-patentability under Section 3(d) of the Patents Act, thereby refusing to grant the patent to currently pending Claims 1-12.

12. Issue notice. Notice is accepted by learned counsel appearing for respondent no. 1.

13. Let notice be issued to respondent no. 2.

14. Reply be filed by the respondents within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

15. List on 30th August, 2024.

MINI PUSHKARNA, J

JULY 10, 2024

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