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

+ C.A.(COMM.IPD-PAT) 6/2024

PHILIP MORRIS PRODUCTS S A

.....Appellant

Through: Ms. Manisha Singh, Mr. Abhai Pandey, Mr. Manish Aryan, Mr. Nishant Rai, Ms. Swati Mittal and Ms. Shivani Singh, Advocates

versus

DEPUTY CONTROLLER OF PATENTS
AND DESIGN

.....Respondent

Through: Mr. Harish Vaidyanathan Shankar, CGSC with Mr. Srish Kumar Mishra, Mr. Alexander Mathai Paikaday and Mr. Sagar Mehlawat, Advocates.
Mob: 9810788606

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+ C.A.(COMM.IPD-PAT) 40/2024

PHILLIP MORRIS PRODUTS S A

.....Appellant

Through: Ms. Manisha Singh, Mr. Abhai Pandey, Mr. Manish Aryan, Mr. Nishant Rai, Ms. Swati Mittal and Ms. Shivani Singh, Advocates

versus

ASSISTANT CONTROLLER OF PATENTS
AND DESIGN

.....Respondent

Through: Mr. Harish Vaidyanathan Shankar, CGSC with Mr. Srish Kumar Mishra, Mr. Alexander Mathai Paikaday and Mr. Sagar Mehlawat, Advocates.



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C.A.(COMM.IPD-PAT) 49/2024

PHILLIP MORRIS PRODUTS S A

.....Appellant

Through: Ms. Manisha Singh, Mr. Abhai
Pandey, Mr. Manish Aryan, Mr.
Nishant Rai, Ms. Swati Mittal and
Ms. Shivani Singh, Advocates

versus

ASSISTANT CONTROLLER OF PATENTS
AND DESIGN

.....Respondent

Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra,
Mr. Alexander Mathai Paikaday and
Mr. Sagar Mehlawat, Advocates.
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C.A.(COMM.IPD-PAT) 61/2024

PHILLIP MORRIS PRODUTS S A

.....Appellant

Through: Ms. Manisha Singh, Mr. Abhai
Pandey, Mr. Manish Aryan, Mr.
Nishant Rai, Ms. Swati Mittal and
Ms. Shivani Singh, Advocates

versus

DEPUTY CONTROLLER OF PATENTS
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Through: Mr. Harish Vaidyanathan Shankar,
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Mr. Alexander Mathai Paikaday and
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CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
04.09.2024

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1. Learned counsel appearing for the appellant has drawn the attention of this Court to Section 3(d) of The Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019, which reads as under:

“xxx xxx xxx

3.

(d) “electronic cigarette” means an electronic device that heats a substance, with or without nicotine and flavours, to create an aerosol for inhalation and includes all forms of Electronic Nicotine Delivery Systems. Heat Not Burn Products, e-Hookah and the like devices, by whatever name called and whatever shape, size or form it may have, but does not include any product licensed under the Drugs and Cosmetics Act, 1940.

xxx xxx xxx.”

2. He submits that the patent has been rejected by relying upon the aforesaid Section, which could not have been done. Thus, he submits that the said question needs to be decided by this Court.

3. Learned counsel appearing for the respondent submits that further time of four weeks be granted to file reply to the present appeals.

4. Accordingly, let reply be filed within a period of four weeks.

5. Rejoinder thereto, if any, be filed within two weeks, thereafter.



6. Learned counsel appearing for the respondent further submits that a joint reply shall be filed to the present appeals.
7. Let the needful be done, accordingly.
8. Re-notify on 26th November, 2024.

MINI PUSHKARNA, J

SEPTEMBER 4, 2024/kr