



2026.04.02.2598

\$~22

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ C.A.(COMM.IPD-PAT) 486/2022 and I.A. 18427/2022,
18428/2022

NEC CORPORATION

..... Appellant

Through: Mr. Vineet Rohilla and Mr. Rohit
Rangi, Advocates. (M:9810540598)

versus

ASSISTANT CONTROLLER OF PATENTS
AND DESIGNS

..... Respondent

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

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

%

14.11.2022

1. This hearing has been done through hybrid mode.

I.A. 18428/2022(for exemption)

2. Allowed, subject to all just exceptions. **I.A. 18428/2022** is disposed of.

I.A. 18427/2022(for delay)

3. This is an application for delay in filing the appeal.

4. The appeal has been filed with a delay of 41 days. Ld. Counsel for the Appellant submits that the invention relates to a complex codex and since the Appellant is based out of Japan, there has been some delay in seeking instructions and filing the appeal.

5. For the reasons stated in the application, the delay is condoned. **I.A. 18427/2022** is disposed of.



C.A.(COMM.IPD-PAT) 486/2022

6. The present appeal has been filed challenging the impugned order of the Assistant Controller of Patents and Designs, dated 21st June, 2022 whereby the patent application of the Appellant bearing Patent Application No.201717010986 titled '*Video coding device, video decoding device, video coding method, video decoding method and program*' has been rejected. The patent application has been primarily rejected for lack of inventive step under Section 2(1)(ja) of the Patents Act, 1970, on the basis of three documents, D1 to D3.

7. Issue Notice. Mr. Alexander, Id. Counsel for the Respondent, accepts notice.

8. Let written submissions be filed at least one week before the next date of hearing along with synopses and any judgments that both the parties wish to rely upon. Advance copies of the same be exchanged between the parties.

9. List for hearing on 6th February, 2023.

PRATHIBA M. SINGH, J.

NOVEMBER 14, 2022

dj/ms