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

+ C.A.(COMM.IPD-PAT)-493/2022

PRESIDENT AND FELLOWS OF HARVARD COLLEGE

.....Appellant

Through: Dr. Satyapal Arora, Mr. Ashish
Sharma, Mr. Kuldeep Kumar Singh &
Ms. Manvi Kataria, Advocates.

versus

**CONTROLLER GENERAL OF PATENTS DESIGNS AND
TRADEMARKS**

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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08.05.2026

I.A. 12914/2026

1. This is an Application for modification of the Judgment dated 28.03.2026 whereby the present Appeal arising out of the impugned order dated 25.08.2022 passed by the Controller General of Patents, Designs and Trade Marks whereby the Appellant's Patent Application No. 201617000758 was refused.
2. None appears on behalf of the Respondent despite advance service.
3. The learned Counsel for the Appellant submits that while disposing of this Appeal, the Judgment dated 28.03.2026 does not specify that the reconsideration as directed under the said Judgment shall be undertaken by a Controller other than the one who passed the impugned order dated 25.08.2022.
4. The learned Counsel for the Appellant further submits that generally the orders remanding the matters for fresh consideration by the Controller



are directed to be placed before the Controller other than the one who had earlier passed the order which is set aside in the said Appeal. In support of his submissions, the learned Counsel for the Appellant has referred to the Judgment dated 28.03.2026 of this Court in C.A.(COMM.IPD-PAT) 493/2022 where the direction was passed to place the matter before an officer other than the officer who issued the impugned order in the said Appeal.

5. Considering the submissions made on behalf of the Appellant, the present Application is allowed.

6. It is directed that Judgment dated 28.03.2026 is modified to the extent that the same Paragraph No. 19 of the Judgment shall read as under:

*“19. Consequently, amended claims that significantly alter the original claims transitioning from a composition to a non-native pancreatic β cell must be duly considered by the learned Controller independently without being influenced from prior conclusions regarding the original claims in the Impugned Order. Accordingly, the Impugned Order is hereby set aside, and the matter is remanded back to the learned Controller for fresh consideration of the Subject Application in view of the amended claims submitted along with post-hearing Written Submissions. **That the matter shall be decided by an officer other than the officer who passed the impugned order.** This learned Controller shall pass a detailed order on the Subject Application after considering the amended Claims within six months from the date of communication of this Judgment after giving opportunity of hearing to the Appellant.”*

7. The Application stands disposed of.

TEJAS KARIA, J

MAY 8, 2026/ ‘A’