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

+ **C.A.(COMM.IPD-PAT) 6/2023 & I.A. 10451/2024**

CELLECTIS

.....Appellant

Through: Ms. Vindhya S. Mani and Ms. Ardra Goodwin, Advocates.

versus

THE ASSISTANT CONTROLLER OF PATENTS AND DESIGNS

.....Respondent

Through: Mr. Nitinjya Chaudhry, CGSC with Mr. Rahul Mourya, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **28.03.2026**

1. Matter is taken up today as 02.03.2026 was declared holiday in light of Notification No. 64/G-4/Genl.-I/DHC dated 27.02.2026.
2. This appeal is filed on behalf of the Appellant under Section 117A of the Patents Act, 1970 ('1970 Act') laying a challenge to order dated 23.11.2022, whereby Patent Application bearing No. 10437/DELNP/2015 was refused on the ground that it fell within the scope of Section 3(i) of 1970 Act and therefore, claims 1-11 were not tenable.
3. By judgment dated 28.02.2025, Court allowed I.A. 10451/2024 for amendment of complete specification in respect of the claims filed before the Respondent under Section 59 of 1970 Act and the amended specification and claims 1-11 were taken on record with liberty to the Appellant to file the same before the Patent Office, Delhi. The Court also framed the issue for



consideration whether, in light of the amendments, Appellant was able to overcome the objection raised by the Respondent under Section 3(i) of the 1970 Act. On 08.12.2025, learned CGSC urged that it would be prudent if a hearing was granted by the Controller to examine the objections in light of the amendments and that if permitted, Controller will schedule the hearing within four weeks after giving notice to the Appellant, to which counsel for Appellant had no objection. Today, Court is informed that the Respondent has not scheduled hearing so far and further time is sought on behalf of the Respondent.

4. Present appeal involves a challenge to order dated 23.11.2022, whereby the patent application filed by the Appellant was refused under Section 3(i) of the 1970 Act. During the pendency of the appeal, Appellant filed an application for amending the complete specification and claims 1-11 to overcome the objection. The amendment application was allowed vide judgment dated 28.02.2025 and amended specification and claims were taken on record.

5. In my view, once the Respondent is seized of the matter and has been directed to determine whether the amended specification and claims will overcome the objection under Section 3(i), no purpose will be achieved by keeping the present appeal pending. Accordingly, the appeal is disposed of directing the Respondent to schedule a hearing on or before 20.04.2026 and decide the matter considering the amended specification and claims 1-11. Decision will be taken within four months from today.

6. It is made clear that this Court has not expressed any opinion on the merits of this case. Needless to state it will be open to the Appellant to assail the decision of the Respondent, if it is adverse to the Appellant and if so



advised.

7. Pending application stands disposed of.

JYOTI SINGH, J

MARCH 28, 2026

S.Sharma