

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA  
INTELLECTUAL PROPERTY RIGHTS DIVISION  
ORIGINAL SIDE

IPDPTA/78/2023  
SANOFI – AVENTIS (OA/11/2019/PT/KOL)  
VS  
CONTROLLER GENERAL OF PATENTS, DESIGNS AND TRADEMARKS AND  
ANR.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 23<sup>rd</sup> March, 2026.

Appearance:

*Mr. Debnath Ghosh, Sr. Adv., Sourojit Dasgupta, Adv., Mr. Biswaroop Mukherjee, Adv.*

*Mr. Uttiyo Mallick, Adv.*

*for the appellant*

*Mr. Swatarup Banerjee, Adv.*

*Mr. Rishav Kumar Thakur, Adv.*

*For respondents*

The Court: The appellant submits in support of the grounds on which the appellant seeks interference to the order of the Assistant Controller of Patents & Designs dated 29<sup>th</sup> August, 2018. The brief objection of the appellant is that the Assistant Controller while passing the order impugned did not deal with the arguments given in response to the objection regarding lack of inventive steps but only passed a cursory remark in respect thereof. The refusal cannot be under Section 3(c) of the Patents Act, 1970 (hereinafter referred to as said Act). According to the appellant, rejection if any, at the highest could have been under the provisions of Section 3(d) of the said Act for which the controller was required to address the issues accordingly.

The order impugned, therefore, is perverse and tainted with material illegality according to the appellant. This fact is, however, disputed on behalf of the controller being respondent nos.1 and 2 in the appeal. The matter requires further consideration.

Let it appear in the monthly list of April 2026.

(ARINDAM MUKHERJEE, J.)

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