

IN THE HIGH COURT AT CALCUTTA
INTELLECTUAL PROPERTY RIGHTS DIVISION

IPDPTA/13/2025

THYSSENKRUPP UHDE GMBH AND ANR.

VS

THE CONTROLLER GENERAL OF PATENTS, DESIGNS AND TRADEMARKS
AND ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 20th August, 2026.

APPEARANCE:

Mr. Sayantan Basu, Sr., Adv.

Mr. Soumen Mukherjee, Adv.

Mr. Tanmoy Roy, Adv.

Mr. Arpayan Mukherjee, Adv.

For appellants

Mr. Siddhartha Lahiri, Adv.

Mr. Santosh Pandey, Adv.

Mr. Debraj Dutta, Adv.

For respondent nos.1 to 3

THE COURT: The letters communicating the respondents about the next date are placed before the Court and are retained with the records.

This appeal arises out of an order dated 11th February, 2025 by which the application of the appellants for grant of patent has been rejected.

The respondent nos.1, 2 and 3 are respectively the Controller, Assistant Controller and Joint Controller of Patents and Designs. The respondent nos.4, 5 and 6 are the private respondents who had opposed against the appellants' application at a pre-grant stage. The objections given

by the respondent no.5 has been accepted which resulted in the rejection of the appellants' application. The objection of the respondent nos.4 and 6 has, however, been not accepted by the Controller.

It is the submission of the appellants that the impugned order suffers from certain patent illegality and also from material irregularity. The Controller has not adjudicated the application in the manner and form as laid down in the statute and is contrary to the procedure required to be followed and the tests to be applied in view of judgments of several Courts. The order also suffers from contradiction and the rejection is on misappreciation that there is no patentable innovation as claimed by the appellants.

The respondent nos.4, 5 and 6 remain unrepresented despite service. However, to give the said respondents a further opportunity, let a fresh notice informing the said respondents about the next date to be given by the appellants.

Let this matter appear in the monthly list of September 2026.

(ARINDAM MUKHERJEE, J.)

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