

IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE
(Intellectual Property Rights Division)

IPDPTA/16/2025
IA NO: GA-COM/1/2025

DAIKIN INDUSTRIES LTD
VS
THE CONTROLLER GENERAL OF PATENTS
DESIGNS AND TRADE MARK (CGPDTM) AND ANR

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 13th August, 2025.

Appearance:
Mr. Adarsh Ramanujan, Adv.
Ms. Yamini Mukherjee, Adv.
Mr. Abhishek Sikdar, Adv.
Ms. R. Manna, Adv.
Mr. K. Roy, Adv.
...for the petitioner.

Mr. Ram Chandra Agarwal, Adv.
Mr. Tapan Bhanja, Adv.
...for Union of India.

The Court: This is the second round of litigation between the parties.

By an order dated 26 February, 2025, this Court had specifically highlighted that the alleged prior art document D5 had not been mentioned in the FER and was introduced as a new document in the hearing notice dated 14 June, 2021. This was contrary to the principles of natural justice.

It is further submitted on behalf of the appellant that insofar as the prior art document D2 is concerned, the same was published after the priority date and could not have been cited as a prior art.

Significantly, in the impugned order the subject patent application has been rejected on the combination of the above prior arts i.e. D1, D2 and D5.

The Controller is represented and prays for an opportunity to take instructions insofar as the above submissions made on behalf of the appellant.

Let this matter appear on 8 September, 2025.

In the meantime, the respondent Controller is directed to take necessary instructions.

Affidavit of Service filed on behalf of the petitioner be kept with the records.

(RAVI KRISHAN KAPUR, J.)

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