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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

Rev. Appl.No.37 of 2025
in
CMA(PT) No.2 of 2024

Caleb Suresh Motupalli
Rottellaillu House of Bread
29-37-31 Eluru Road, (Upstairs)
Vijayawada-520 002,
Andhra Pradesh .. Petitioner
(Party-in-Person)

Vs.

Controller of Patents
Patent Office, Intellectual Property Building,
G.S.T. Road, Guindy,
Chennai-600 032
Tamil Nadu .. Respondent

Prayer : Review Application filed under Order 47 Rule 1 and 2 of CPC R/W. under Section 114 of the Code of Civil Procedure praying to (1) review and set aside the judgment dated 29.01.2025 in CMA(PT) No.2/2024, specifically regarding:a) Patent Error in Interpretation of Section 10(4); (b) The erroneous attribution of best

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mode contention; c) The internal contradictions on technical effect; d) the oversight of Controller's binding admissions; and e) Error in Assessment of Technical Effect on Hardware under Section 3(k); (2) Direct the Controller of Patents to: a) Grant the patent for Application No.5606/CHENP/2012 within 30 days; b) Complete all grant formalities within 60 days; and c) Issue the Letters Patent certificate; 3) Provide such timeline extensions as may be necessary, not exceeding 90 days in total; 4) Pass any other order(s) as this Court deems fit and proper in the circumstances of the case to meet the ends of justice.

For Petitioner : Mr. Caleb Suresh Motupalli
Party-in-Person

For Respondent : Mr.A.R.Sakthivel, SPC

O R D E R

The respondent had issued order dated 27.10.2021 under Section 77(1)(f) and (g) of the Patents Act 1970, rejecting the review

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application of the present review applicant. The said order was impugned in CMA(PT) No.2 of 2024. By judgment dated 29.01.2025, the appeal was rejected both on the ground that the appeal is not maintainable under Section 117A of the Patents Act against the order in review and also on merits.

2. The party in person is present. He submits that the order sought to be reviewed contains patent errors with regard to the interpretation of Sections 10(4) and 3(k). As regards Section 3(k), he submits that the judgment of Delhi High Court in *Ferid Allani v. Union of India, 2019 SCC Online Del 11867,* was not taken into consideration. He also submits that the best method of working the invention was specified in the complete specification and that the conclusion in relation thereto is untenable.

3. As noticed above, the order impugned in the earlier round of litigation was an order in review application. Consequently, it was held that the appeal is not maintainable under Section 117A. Without prejudice to the said conclusion, the merits of the appeal

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were examined and the said appeal was eventually rejected. On examining the grounds of review and the submissions of the party in person, no error apparent is discernible and the party in person is unable to establish any other sufficient reason for entertaining this review application. Therefore, Rev. Appl. No.37 of 2025 is dismissed without any order as to costs.

20.03.2025

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

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To

The Controller of Patents
Patent Office, Intellectual Property Building,
G.S.T. Road, Guindy,
Chennai-600 032
Tamil Nadu

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SENTHILKUMAR RAMAMOORTHY J.

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