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

\+ W.P.(C)-IPD 58/2025, CM 242/2025 & CM 243/2025

ABBVIE IRELAND UNLIMITED COMPANY .....Petitioner

Through: Mr. P. Chidambaram, Senior Advocate with Mr. Pravin Anand, Ms. Archana Shanker, Mr. Shrawan Chopra, Ms. Krisha Baweja, Mr. Achyut Tewari and Mr. N. Mahabir, Advocates.

versus

CONTROLLER GENERAL OF PATENTS, DESIGN, TRADEMARK AND GEOGRAPHICAL INDICATIONS & ORS. .....Respondents

Through: Ms. Nidhi Raman, CGSC with Mr. Om Ram and Mr. Mayank Sansanwal, Advocates for R-1 & R-2.
Mr. Ayush Sharma, Advocate for R-4.
Ms. Meenakshi Ogra and Mr. Samrat S. Kang, Advocates for R-5.
Ms. Rajeshwari H. and Ms. Sawani Chothe, Advocates for R-6.
Ms. Rajeshwari H. and Mr. Kumar Chitranshu, Advocates for R-8.
Ms. Rajeshwari Hariharan, Mr. Ansh Sharma and Ms. Aeshita Marwah, Advocates for R-9.

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

O R D E R

% 10.10.2025

1. This is a Petition under Articles 226 and 227 of the Constitution of India, 1950, *inter alia* seeking following reliefs:

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"*a. Issue a writ of mandamus and / or certiorari and I or any other similar appropriate writ, order, or direction, directing the Respondent Nos. I and 2 to provide for expedited disposal of the Petitioner's Patent Application No. 8004/DELNP/201 1; and,*

b. Issue a writ of mandamus and / or certiorari and I or any other similar appropriate writ, order, or direction, directing the Respondent Nos. 3 to 9 to submit their credentials, qualifications and interest in the matter, on an affidavit and also state on said affidavit that they are bonafide opponents and have no relationship with the other Opponents / Respondents, or any other interested third parties; and,

c. Issue a writ of mandamus and / or certiorari and I or any other similar appropriate writ, order, or direction, directing the Respondent Nos. 3 to 9 to disclose as to how the documents filed by them and averments made by them, along with their respective pre-grant oppositions are relevant for the adjudication of the Petitioner's Patent Application No. 8004/DELNP/201 I ; and,

d. Pass an order, or direction, directing the Respondent Nos. 3, 4, 5,7,8 and 9 to file their proofs of identity and qualifications and also demonstrate through the already filed oppositions as to how their opposition is relevant, to the extent that the Respondent Nos. I and 2 are not aware of the same, failing which their post-grant oppositions shall be dismissed; and,

e. Issue a writ of mandamus and / or certiorari and I or any other similar appropriate writ, order or direction, directing the Respondent Nos. I and 2 to frame appropriate rules or guideline to specify / restrict the time period of filing of pre-grant oppositions from the date of publication of the patent application; and,

f. Issue a writ of mandamus and / or certiorari and I or any other similar appropriate writ, order or direction, directing the Respondent Nos. I and 2 to issue guidelines on the assessment process being undertaken at the Patent Office for the determination of a prima facie case, before issuance of notice in pre-grant oppositions being filed henceforth; and,

g. Issue a writ of mandamus and / or certiorari and I or any other similar appropriate writ, order, or direction, directing the Respondent Nos. I and 2 to put on their website the manner /

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mechanism in place for consideration / evaluation of pre-grant oppositions including timelines for their disposal; and,

h. Issue a writ of mandamus and / or certiorari and I or any other similar appropriate writ, order, or direction, directing Respondent Nos. 3 to 9, to disclose on affidavit the details of any other pre-grant and I or post-grant oppositions filed by them in other patent applications or granted patents;

i. Issue a writ of mandamus and / or certiorari and I or any other similar appropriate writ, order, or direction, quashing the notices dated 13.06.2025 with respect to the pre-grant oppositions filed by Respondent Nos. 8 and 9;"

2. The learned Senior Counsel for the Petitioner submitted that the Petitioner has filed Indian Patent Application No. 8004/DELNP/2011 in relation to an invention titled as 'Apoptosis-Inducing Agents for the treatment of Cancer and Immune and Autoimmune Diseases', which is also subject to and continues to be subjected to serial pre-grant oppositions under Section 25(1) of the Patents Act, 1970 ("**Act**").

3. The learned Senior Counsel for the Petitioner submitted that the Petitioner is aggrieved by filing of the serial pre-grant oppositions by 'Benami Opponent' and in view of the issuance of the formal notices by Respondent Nos. 1 and 2 on 13.06.2025 in a mechanical manner and without application of mind.

4. The learned Senior Counsel for the Petitioner submitted that the Petitioner has also filed a Representation before Respondent Nos. 1 and 2 on 20.06.2025 on the ground that the notice in the pre-grant opposition filed on 02.07.2018 was issued after five years on 25.01.2023 and the hearing was held on 12.03.2024, and, further, Respondent Nos. 1 and 2 did not entertain the objections of the Petitioner about the identity and qualification of Respondent Nos. 3, 4, 5, 7, 8 and 9. A reminder was sent with regard to the same on

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31.07.2025. However, till date, there is no response from Respondent Nos. 1 and 2 and the Representation filed by the Petitioner.

5. The learned Senior Counsel for the Petitioner submitted that Respondent No. 3 has withdrawn the pre-grant opposition and the hearings with regard to Respondent Nos. 4 and 5 was concluded on 12.03.2024 and Respondent No. 7 was concluded on 03.01.2025. Despite the orders having been reserved with regard to the said hearings, till date, no orders have been pronounced by Respondent Nos. 1 and 2.

6. The learned Senior Counsel for the Petitioner also submitted that after filing of the present Petition and serving an advance copy upon Respondent Nos. 1 and 2, the hearings of the pre-grant oppositions are scheduled on 14.10.2025 with respect to Respondent No. 8 and on 15.10.2025 with respect to Respondent No. 9.

7. Issue Notice. The learned CGSC appearing for Respondent Nos. 1 and 2 accepts Notice. The learned Counsel for Respondent Nos. 4, 5, 6, 8 & 9 also accept Notice.

8. The learned Counsel for Respondent No. 4 submits that the hearing with regard to Respondent No. 4 was concluded on 12.03.2024 and the learned Counsel for Respondent No. 6 submits that the hearing with regard to Respondent No. 6 was concluded on 03.01.2025.

9. The learned Counsel for Respondent Nos. 8 and 9 submit that Respondent Nos. 8 and 9 shall positively appear on the dates of hearings of the pre-grant oppositions scheduled on 14.10.2025 and 15.10.2025 respectively.

10. It is observed that Respondent Nos. 1 and 2 have reserved the order after the hearing of the pre-grant oppositions for a considerably long time and

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has scheduled the hearings with respect Respondent Nos. 8 and 9 during the period where the orders were reserved.

11. Be that as it may, it is directed that Respondent Nos. 1 and 2 shall continue with the hearing already scheduled on 14.10.2025 and 15.10.2025 with respect to Respondent Nos. 8 and 9 respectively and shall pass a consolidated order on or before 31.12.2025 with respect to all the pre-grant oppositions with respect to Indian Patent Application No. 8004/DELNP/2011.

12. The learned Senior Counsel for the Petitioner submits that in view of the above observation, the remaining issues in this Petition shall be pressed in another appropriate proceedings.

13. All rights and contentions of the Parties are kept open and the same can be agitated before Respondent Nos. 1 and 2 in accordance with law.

14. With the aforesaid directions, the present Petition is disposed of.

TEJAS KARIA, J

OCTOBER 10, 2025
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15. As regards Respondent No. 6 is concerned, the learned Counsel for Respondent No. 6 submits that although notice for hearing was given on 03.01.2025, Respondent No. 6 sought adjournment on that hearing.

16. The learned Senior Counsel for the Petitioner submits that Respondent No. 6, despite notice, was not present during the hearing dated 03.01.2025 and the right of hearing with respect to Respondent No. 6 was closed on 03.01.2025 and thereafter, there was no agitation on behalf of Respondent No.

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6 for giving Respondent No. 6 the right for hearing.

17. The learned Counsel for Respondent No. 6 submits that Respondent No. 6 has approached Respondent Nos. 1 and 2 for reconsidering and giving a hearing by way of an application.

18. It is directed that if such an application is filed, the same shall be considered by Respondent Nos. 1 and 2 on 14.10.2025 and if Respondent Nos. 1 and 2 concludes that the right of hearing should be given to Respondent No. 6, the Respondent No. 6 shall be heard on 15.10.2025 without granting any further adjournment to the Parties.

TEJAS KARIA, J

OCTOBER 10, 2025/ 'sms'

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