
A STUDY OF PATENT OPPOSITION SYSTEM



Centre for Intellectual Property, Innovation and Technology

HIDAYATULLAH NATIONAL LAW UNIVERSITY
Raipur, Chhattisgarh



All correspondence should be addressed to:

The Registrar

Hidayatullah National Law University

Atal Nagar, Raipur, Chhattisgarh - 492002

Email: registrar@hnlul.ac.in

ISBN - 978 - 81-957 449 - 1- 6

Disclaimer: No part of this publication may be reproduced or transmitted in any form or by any means without prior permission of the University.

© Hidayatullah National Law University, Raipur, Chhattisgarh and Lakshmikumaran & Sridharan Attorneys, Delhi

Prof. V.C. Vivekanandan
Vice Chancellor
Hidayatullah National Law University,
Raipur

Prof. Uday Shankar
Registrar & Professor of Law
Hidayatullah National Law University,
Raipur

Ms. Garima Panwar
Assistant Professor
Hidayatullah National Law University,
Raipur

TABLE OF CONTENTS

| | |
|--|----|
| PREFACE | i |
| SUMMARY | 6 |
| BACKGROUND | 9 |
| Methodology | 10 |
| OPPOSITIONS PROCEDURE: A COMPARATIVE ANALYSIS | 11 |
| a. United States of America | 12 |
| b. European Union | 13 |
| c. China | 13 |
| d. Japan | 14 |
| e. Republic of South Korea | 14 |
| f. India | 15 |
| OPPOSITION OF PATENT AND CAUSES OF DELAYS IN INDIA | 18 |
| a. Oppositions filed by individuals without proper credentials | 22 |
| b. Serial Oppositions | 22 |
| c. Delay in issuing a notice of opposition by the Controller | 23 |
| d. Delay in issuing hearing notice by the Controller | 23 |
| e. Delay due to several adjournments | 24 |
| f. Delay in issuing further hearing notices in cases of adjournments | 24 |
| g. Delay in delivering orders by the Controller | 24 |
| h. Delay in constituting an Opposition Board in case of Post-Grant Oppositions | 25 |
| CONCLUSION AND RECOMMENDATIONS | 26 |
| APPENDICES | 33 |

PREFACE

Centre for Intellectual Property, Innovation and Technology at HNLU, Raipur was established, in the year 2022, to catalyse the efforts for innovation and monetization to benefit the country as a whole. This monograph has been undertaken with an objective to understand the opposition mechanisms in India. Through this doctrinal study, we have attempted to comparatively analyse the systems of Pre-Grant opposition, Post Grant opposition, revocation, and invalidation. The authors aim to highlight the patent opposition practices adopted in countries like the United States, European Union, China, Japan, and South Korea and to suggest the improvement based on the best practices in these jurisdictions. Non-empirical research has been undertaken to study the laxities in the patent opposition mechanism in India and the reasons for such delays.

This literature, and especially the non-doctrinal study, has mainly relied on the report submitted by Lakshmikumar and Sridharan Attorneys, Delhi, *"The Ease of Doing Business"* (appendices). We are grateful to Dr. Malathi Lakshmikumar, Executive Director and Head at IP division of Lakshmikumar and Sridharan Attorneys, Delhi, and her team for sharing the detailed report on the opposition mechanism in India. Lastly, we are thankful to our University's faculty members and staff for their constant support and encouragement.

SUMMARY

The Monograph has been prepared by Hidayatullah National Law University (HNLU) based on the data provided by Lakshmikumaran & Sridharan, Delhi in their report, 'The Ease of Doing Business'.

The patent systems encourage innovation and drive economic growth of a country. Technology today is evolving at such a rapid pace that within a span of merely a couple of years, an invention may become obsolete. Therefore, when patent applicants disclose their invention before the Patents Office in a country, they expect quick disposal of the application. This is to ensure that they can incentivize their invention. In such a scenario, convoluted patent prosecution proceedings make a country unattractive to potential inventors and investors. Keeping this background in mind, this Monograph has been prepared to understand the patent system in India.

In the first part of the Monograph, the authors have comparatively analyzed the patent systems in various jurisdictions. Through this analysis, the authors have highlighted the patent opposition practices adopted in countries like the United States, European Union, China, Japan, and South Korea and how the best practices in these countries can be adopted in India. For instance, in most countries, there is no mechanism of pre-grant opposition proceedings, as it is deemed as a hindrance to patent prosecution. However, the authors note that a major overhaul of the Indian patent system is not practicable; the legislative intent behind pre-grant opposition was to increase transparency and cater to larger public interest. In view of the same, the Authors

undertake a detailed analysis to recommend ways in which the existing, robust law can be implemented efficiently.

In the second part of the Monograph, the authors provide a history of the law and regulations pertaining to patent proceedings in India. Subsequently, the authors proceed to analyse patent applications in which opposition proceedings were ongoing during 2016-2021, primarily focusing on pharmaceutical and life sciences patent applications. Upon perusal of over 250 oppositions, the following major causes of delay at each stage of patent opposition proceedings were identified:

1. Delay is caused due to serial oppositions being filed by several parties.
 2. Upon receiving a representation of opposition, the Controller may delay giving notice of the same to the applicant. This is the biggest cause of delay in patent prosecution; which was seen in over 50% of the cases analysed.
 3. If either party requests a hearing in the matter, a delay at this point may be caused if the Controller does not issue a hearing notice expeditiously. This cause was seen in over 30% of the cases analysed.
 4. After the hearing notice is issued, delays may be caused if parties keep requesting for adjournment of the hearing.
 5. If the parties have sought adjournment of the hearing, a delay may be caused in issuing further hearing notices by the Controller.
 6. After the proceedings are complete, there may be a delay in delivering the decision on the matter.
 7. Pre-grant opposition proceedings under Section 25(1) of the Act allow "any person" to file a notice
-

of opposition, the delay may be caused due to oppositions filed by individuals without proper credentials, i.e., filed by persons who are merely “habitual front men put up by those who intend to only delay the grant of patent.”

8. A delay is seen in the post-grant opposition proceedings, where the Controller takes substantial time in constituting an opposition board.

Lastly, the Monograph recommends that the procedure of patent filing should not hinder the incentivization of the inventor/patentee. In order to achieve this, suggestions have been provided in the form of three-fold action plans, i.e., short-term, mid-term, and long-term.

1. Short-Term Action Plan:

- Reforms through executive actions such as increasing the manpower in the registry IP office.
- Technological redressal can deal with most of the delays. For instance, the IP offices may implement an IT system, by way of which notice of oppositions can be served on the applicant at the earliest. The first hearing notice can be issued automatically within three months from the reply statement filed by the Applicant. This, IT system may also ensure that as soon a request for adjournment of the hearing is filed, a subsequent hearing notice is automatically issued, fixing the date of next hearing one month after the date of original hearing.
- By implementing these technological changes, the delay caused due to human intervention will be substantially reduced. It will also reduce the burden on the controllers, who can effectively use this time to conduct hearings and deliver orders within the prescribed timelines.
- Further, a regular capacity-building programme should be organised to identify the challenges and to suggest a road map to improve the functioning of the Patent Office.

- It is important to note that administrative orders will suffice to implement these changes, and no legislative reform is required at this stage.

2. Mid-Term Action Plan: Implementation of the two-fold action plan:

- At this stage deliberations amongst the stakeholders, including policymakers, academicians, companies, inventors, applicants, lawyers, IP officials, etc., can be held.
- Based on policy recommendations made by the stakeholders, the Government may notify the necessary procedural changes to the patent prosecution proceedings.
- For instance, guidelines can be issued to direct the opponent to serve the opposition directly on the applicant. The patent office may also direct parties who file serial adjournments to show due cause for their requests. In line with the US, the patent office may also institute guidelines to label inventions as ‘patent pending’, which will allow inventors to reap the benefit of their invention while awaiting its final disposal.
- These changes can be brought by issuing guidelines and directions, i.e., through executive action. This does not include amendments to the law.

3. Long-Term Action Plan:

- The long-term action plan involves substantive amendments to the Act itself, based on the recommendations provided in the Monograph. The purpose of such amendments would be to introduce strict deadlines which must be followed, and measures to ensure oppositions with malafide intentions are not filed.
- For instance, the following deadlines can be instituted by law:
 - i. A deadline of 3 months during which the Controller must serve the notice of opposition upon the applicant;

- ii. A deadline of 6 months to one year from the issuance of FER within which all pre-grant oppositions should be filed;
 - iii. A deadline of 3 months from the date the applicant has filed the reply statement to the opposition, within which the hearing notice must be issued;
 - iv. A deadline of 3 months for the Controller to issue an order after the completion of proceedings.
- Similarly, to reduce oppositions filed by persons without proper credentials, the law should be amended to allow only interested persons to file pre-grant opposition, which will be in line with the law in place for post-grant oppositions.

It is pertinent to note that recently the Indian Patents Office has taken several welcome steps in the direction of speedy disposal of patent applications, such as issuing guidelines directing

that parties seeking adjournments must provide 'reasonable cause' for the same (https://ipindia.gov.in/writereaddata/Portal/News/857_1_26122022_Public_Notice_regarding_hearing_adjournments.pdf), and adjournments shall not be for more than 10 days (https://ipindia.gov.in/writereaddata/Portal/News/855_1_26122022_Public_Notice_Hearing_Time.pdf).

In addition to the above, the recommendations provided in the report will ease the process of patent disposal in India. This will make India an attractive jurisdiction for inventors and investors, and aid the economic growth of the country. The time is ripe for certain changes in the system to further bolster India's position as a global innovation leader.

BACKGROUND

Intellectual Property laws are recognised to boost creative productivity while granting manifold rights to the creators. The Patent mechanism is one such systems for seeking protection of novel inventions which are non-obvious and capable of industrial application.¹ These inventions require substantial investment with respect to time, skills, material resources and funding. The exclusive rights over the invention with a view to enable recouping of the investment.

The rationale of the patent system is to provide necessary incentive for the creation of new technology.² The traditional view of perfect competition, is characterised by perfect knowledge and therefore costless appropriability of invention.³ This Schumpeterian theory opined that the monopolies are conducive to innovation and economic development.⁴ He also acknowledged the primacy of innovation over invention in the modern economy wherein the innovative process would be hampered if the invention could have been freely appropriated in the absence of protection. Thus, innovation brings incessant revolutionary changes in the economic system.

The advent of the liberalised trade policies has exposed countries to the global market. Large scale industrialisation is a key to economic development that requires transfer of technology, know-how and cultural promotion. In addition to the International agreements such as Paris Convention,⁵ PCT⁶ and TRIPS Agreement,⁷ there are substantive patent laws for protecting inventions.

The Indian patent system is based on the anvil of balancing private and public interest, wherein the

basis for granting patents embodies a utilitarian character.⁸ This theory justifies the granting of a patent based on the "incentive to create",⁹ wherein the patentees should be given an adequate chance to incentivize them to enjoy the fruits of their labour.¹⁰ The patent system across the globe is aimed at prohibiting the prevalence of questionable patents by enabling inventors to file patents systematically through an inexpensive and timely mechanism for invalidation.¹¹

While public interest is one of the essential requirements for granting exclusive monopoly rights over an invention, the applicant must mandatorily comply with procedural fairness under national or regional authority. It has been observed that often non-compliance with formal patentability requirements results into an invocation of provisions relating to opposition, revocation, or invalidation of the patent. These mechanisms enable the WTO

1. TRIPS: Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299, 33 I.L.M. 1197 (1994) art. 27.
2. ELIZABETH VERKEY, LAW OF PATENTS 11 (2d ed. 2012).
3. SCHUMPETER, CAPITALISM, SOCIALISM, AND DEMOCRACY 84 (1947)
4. MATHEW FISHER, FUNDAMENTALS OF PATENT LAW, INTERPRETATION AND SCOPE OF PROTECTION 137- 138 (2007).
5. Paris Convention for the Protection of Industrial Property, March 20, 1883.
6. Patent Cooperation Treaty, June 19, 1970.
7. TRIPS, supra note 1.
8. Olson, D.S., Taking the Utilitarian Basis for Patent Law Seriously: The Case for Restricting Patentable Subject Matter, 82 Temp. L. Rev. 181 (2009).
9. Hovenkamp, H., Reasonable Patent Exhaustion, 35 YALE J. REG. 513 (2018).; Harmon, S.H., From Engagement To Re-Engagement: The Expression Of Moral Values In European Patent Proceedings, Present, And Future, UNIVERSITY OF EDINBURGH SCHOOL OF LAW WORKING PAPER (2011).
10. Hall, B.H. and Harhoff, D., Post-Grant Reviews in the US Patent System-Design Choices and Expected Impact, 19 BERKELEY TECH. LJ 989 (2004).
11. Seymore, S.B., Patenting Around Failure. 166 U. PA. L. REV.1139 (2017).

member nations to explore and strengthen their regimes, nationals, interest groups, and economy.¹²

There have been radical changes introduced since the enactment of the Indian Patent Act, 1970, however, despite the positive efforts, the underlying issue of laxity in the grant of patents is unable to boost up the economic growth. Considering the time as an essence in the matter of the grant of patent for an invention, there is a need for reduction of time taken in the cases where opposition is filed against the patent applications/patents.

An essential drawback of it is that during the ongoing patent prosecution period, an applicant cannot file a suit for the infringement of a patent. Similarly, due to India's two-stage opposition mechanism, even after a patent is granted, the patentees may face post-grant oppositions, which seek to revoke the patent.

Methodology:

This monograph is a combination of both doctrinal and non-doctrinal studies. The objective is **Firstly** to comparatively analyse the various stages of filing and opposition of patents in the European Union, United States, China, Japan, and India. **Secondly**, to critically analyse the challenges faced by Indian Patent Office in Pre-grant opposition. **Thirdly** to study the recent trends of patent applications' filing and opposition procedure followed by the Indian Patent Office. It also aims to understand the delays that occur at every stage of the pre-grant and post-grant opposition proceedings in India by using a qualitative and quantitative approach.

The doctrinal research has been undertaken by following analytical and comparative research methods. The researcher has identified the relevant provisions of the law and analysed the applicability of the same by the stakeholders. Analytical method has been employed to critically examine the available exposition of law and interconnections with norms related to the application of the grant of patent.

As IP creation and protection is governed based on the omniverse norms and the researcher has also undertaken a comparative study of the leading jurisdictions which are known for a progressive approach toward patent applications. Comparative method has facilitated addressing the issue of coherence and effectiveness in the implementation of the law.

The study is based on the data collected by Lakshmikumaran and Sridharan India.

The data collected by Lakshmikumaran & Sridharan was restricted to patent applications where opposition proceedings were **ongoing between July 2016 and July 2021**. Several patent databases, including the database maintained by the Indian Patent Offices, were used to procure documents pertaining to such applications. This sorting of the patent applications gave around 250 applications with manual checking of prosecution details. Thereupon, an analysis tabulation of data for each application was done based on the following parameters: date of application, applicant name, basic application information, number of oppositions, details of opponents, date of representation of opposition, date of notice of opposition, date of response to opposition, date of hearing notice, number of adjournments, hearing date, date of written submissions and order date.

Lastly, the monograph provides recommendations to improvise the opposition proceedings and reduce the unwarranted delay in the grant/refusal of the patent post the opposition proceedings. The restructuring will improve the patent landscape in India and make it more inventor and/or investor friendly, thereby helping in ease of doing business in India.

12. Manu, T., Challenging the Validity of Patents: Stepping in Line with EPO and US Jurisprudence, 48 International Review of Intellectual Property and Competition Law 813-837 (2017).

OPPOSITIONS PROCEDURE: A COMPARATIVE ANALYSIS

Patent acts as a vector that links scientific and technical research with commercial spheres.¹³ The underlying purpose of the patent system is the encouragement of improvements and innovations. In return for making known his improvement to the public, the inventor receives the benefit of a period of monopoly during which he becomes entitled to prevent others from performing his invention except by his license.¹⁴

IP laws are increasingly made and influenced by the international norms imposed by conditions set in international agreements, such as TRIPS Agreement.¹⁵ The implementation of this agreement required all WTO states to operate a patent system especially in two major areas i.e., patent and public health, and patentability of plants and animal inventions. This Agreement, provided for a relatively narrow legal framework and certain substantial flexibilities which can be adopted subject to different legal approaches and national interpretation.

Thus, the creation and protection of intellectual assets involves systemic interaction of both international and domestic laws. The variations in the national approaches under Patent system, necessitates a discussion on the universally evolved norms for establishment of a coherent and effective IP implementation mechanism.

European Union Patent Laws guarantees protection of private property through a robust regime of the intellectual property in favour of individuals. There was a gradual legal transplantation of such EU

norms into many Asian countries irrespective of the natural or utilitarian justifications. The United States is often considered as another threshold country, which also creates diversity amongst the countries within common framework of TRIPS agreement. The United States was largest user of Free Trade Agreements (FTA) for conducting negotiations with significant IP components with several countries in the Pacific region.¹⁶

Therefore, in order to understand the transition of law in different jurisdictions a comparative study is undertaken. The EAC- PM report also while analyzing the position of India in the Patent map of the world highlighted the status of patent protection in China, US, EU, Japan, South Korea and India.¹⁷ The comparison will enable to assess and adopt the good practices in India from the other threshold countries.

On the procedural aspect, the TRIPS Agreement, members are free to provide, or not to provide, an opposition mechanism in their national laws.¹⁸

13. BENTLY, L. AND SHERMAN, B., INTELLECTUAL PROPERTY LAW, 380 (4th ed. 2014).

14. WIPO, Module 3: Inventions and Patents, (Oct. 24, 2022, 10:15 AM), https://www.wipo.int/export/sites/www/sme/en/documents/pdf/ip_panorama_3_learning_points.pdf.

15. TRIPS, supra note, at 1.

16. DANIEL J GERVAIS, INTELLECTUAL PROPERTY, TRADE AND DEVELOPMENT (2014).

17. Sanjeev Sanyal and Aakanksha Arora, Why India Needs to Urgently Invest in its Patent Ecosystem? EAC-PM/WP/1/2022 (Nov. 12, 2022, 02:34 PM), https://eacpm.gov.in/wp-content/uploads/2022/08/Why-India-needs-to-urgently-invest-in-its-IPR-ecosystem-16th-Aug-2022_Final.pdf

18. WIPO, Standing Committee on the Law of Patents, Fourteenth Session Geneva 2010, (Nov. 10, 2022, 12:34 PM), https://www.wipo.int/edocs/mdocs/scp/en/scp_14/scp_14_5.pdf.

Traditionally, opposition proceedings have been limited to competitors and the government.¹⁹ The objective of both pre and post opposition mechanisms is to provide an easy and rapid means to increase patent quality by providing additional input to the process.²⁰

The opposition mechanism supports the conceptual viewpoint that granting patents without an effective quality control mechanism could potentially lead to negative spill-over effects on competition and innovation, eventually also leading towards adverse effects on economic growth.²¹

The advantage of a pre-grant opposition system is that it precludes questionable patents from being granted at an early stage and may also be beneficial for a patentee, since the patentee and the public can have more trust in the validity of the patent.²² However, a common drawback of a pre-grant opposition system is that it may cause a substantial delay in the whole process of finalising the granting of a patent,²³ and result in stifling technological progress and causing economic harm.²⁴

a. United States of America

The patent system of the United States is designed to promote innovation. A patent is presumed to be valid, therefore there is no pre-grant opposition mechanism in the US.

Any party may request the Patents Trial and Appeal Board (PTAB) to initiate post-grant review proceedings to challenge the validity of an issued patent. A party other than the patent owner may petition to initiate this proceeding after the completion of any post-grant review or nine months after the patent issuance, whichever is later.²⁵ The basis for the challenge may include novelty, obviousness, inadequately written description, lack of enablement, and indefiniteness.²⁶ The request for a post grant review must show that it is 'more likely

than not' that at least one challenged claim is not patentable.²⁷ The proceedings may involve a trial before the PTAB and are expected to be completed within one year of its commencement.²⁸

Inter-party review is another new trial proceeding to challenge the validity of claims.²⁹ The challenger is limited to prior art consisting of patents or printed publications.³⁰ There are additional time limitations when the patent being reviewed is involved in the pending litigation.³¹

Patent pendency has risen from an average of eighteen months in 1990 to twenty-four months in 2002.³² The NAS Study recommends an open review proceeding for more rapid feedback of information, such as the existence of prior art, from opposition or litigation to the prosecution of patents within the USPTO itself of the type contemplated.³³ Thus, the United States could benefit substantially from adopting an administrative post-grant patent review.³⁴

19. WIPO, Standing Committee on the Law of Patents, Twelfth Session Geneva 2008, (Nov. 10, 2022, 12:34 PM), https://www.wipo.int/edocs/mdocs/scp/en/scp_12/scp_12_3_rev_2.pdf.
20. WIPO, Standing Committee on the Law of Patents Seventeenth session Geneva 2011, (Nov. 10, 2022, 12:34 PM), https://www.wipo.int/edocs/mdocs/scp/en/scp_17/scp_17_9.pdf
21. Puasiri, W., Improving Patent Quality through Pre-Grant Opposition in Thailand, 8 J. INT'T COM. L. & TECH. 219 (2013).
22. Manu, T., Deploying Pre-Grant Patent Opposition Mechanisms in Africa to Monitor Abuse of the Patent System, 41(3) COMMONWEALTH LAW BULLETIN 399-421 (2015).
23. DRAHOS, P., THE GLOBAL GOVERNANCE OF KNOWLEDGE: PATENT OFFICES AND THEIR CLIENTS (2010).
24. WIPO, *supra* note at 20; Harhoff, D. and Reitzig, M., Determinants of Opposition Against EPO Patent Grants — The Case of Biotechnology and Pharmaceuticals 22 (4), *International Journal of Industrial Organization*, 444 (2004).
25. 35 U.S. Code Section 321(c).
26. 35 U.S. Code Section 321(b).
27. 35 U.S. Code Section 324(a).
28. 35 U.S. Code Section 326(a)(11).
29. HEATH C., PATENT ENFORCEMENT WORLDWIDE: WRITINGS IN HONOUR OF DIETER STAUDER (2015).
30. 35 U.S. Code Section 322(a)(3).
31. HEATH C, *supra* note at 31.
32. USPTO, Annual Report (1999), (Nov. 12, 2022, 02:34 PM), <http://www.uspto.gov/web/offices/com/annual>.
33. Willingmyre, G.T., Cooperation between Patent Offices and Standards Developing Organizations, NATIONAL ACADEMIES OF SCIENCE (2012).
34. Graham, S.J. and Harhoff, D., Can Post-Grant Reviews Improve Patent System Design? A Twin Study of US and European Patents (2006).

b. European Union

The legal framework providing the rules relating to an application, examination, and opposition processes at the European Patent Office (EPO) are prescribed under the European Patent Convention (EPC) wherein the Part V of the EPC from Articles 99 to 105 provides for the opposition procedure.

The patent grant procedure under EPC starts with a search, then substantive examination, and then finally the opposition. In principle, three possible ways to proceed are available to the opposition division. Firstly, the opposition division can summon oral proceedings right away together with an annex containing the opposition division's preliminary opinion. As a second option, the opposition division can first issue a communication to the parties and, subsequently, it can summon to the oral proceedings or it can issue a decision right away. In the third option, a decision can be issued without any summons to oral proceedings and prior issuance of a communication.³⁵

Any person may give notice of opposition within nine months after publication of the grant of a European patent after due payment of the fee.³⁶ The opposition proceeding can result in revocation of the patent, rejection of opposition or the patent applicant can be ordered to narrow the scope of the patent. The decision regarding the opposition is enforceable in all the designated EPC countries. In addition to this, the opponent will be referred to as an inter-parties participant. A few scholars believe that often post-grant reviews can become a strategic instrument to harass small firms and independent inventors.³⁷

As per the study conducted by Bronwyn H. Hall & Dietmar Harhoff, it was analysed that out of the total number of patents granted between 1980 - 1995 approximately 7.9% of patents were opposed, and out of that again approximately one-third were further appealed. The median duration is about 1.9 years for the opposition.³⁸

According to a guideline by the European Patent cannot be opposed by its own proprietor.³⁹ However, according to another guideline, opposition by a straw man usually is allowed provided that there is no abuse of law.⁴⁰

c. China

The Patent Act, 1984 has more of a European influence with regard to regular inventions, utility models, and designs. The Chinese patent system was largely based on the German model which is demonstrated by the adoption of the bifurcated approach to judging infringement and validity in separate proceedings. In China, after the 1992 amendment, pre-grant opposition was abolished and replaced by post-grant opposition (or revocation).⁴¹

Before the 2000 amendment, the Patent Law provided for both a post-grant opposition and a post-grant invalidation procedure. The two procedures served essentially the same function and there existed an overlap. It was observed that the post-grant oppositions also created an unnecessary burden on the Patent office.⁴²

There was also a procedure for invalidation of a patent, however, the procedure for the same could not commence until the termination of the opposition procedure, thus leading to an adverse impact upon the patent applicant. Therefore,

35. MARCUS O MULLER AND CEES AM MULDER, PROCEEDINGS BEFORE THE EUROPEAN PATENT OFFICE (2nd ed. 2020).

36. The European Patent Convention, art. 99(1); The form and the content of the notice of opposition are governed by European Patent Convention, Rule 76.

37. Bronwyn H. Hall and Dietmar Harhoff, Post-Grant Reviews in the U.S. Patent System - Design Choices and Expected Impact, 19 BERKELEY TECH. L.J. 989 (2004).

38. *Id.* at 990.

39. Decision EBoA g 9/93, OJ EPO 1994, pp 891 - 7; Case Law Book IV, D. 2.1.2.

40. Decision EBoA g 3/97, OJ EPO 1999, pp 245-70; Case Law Book IV, D. 2.1.3.

41. Haito Sun, Post-Grant Patent Invalidation in China and the United States, Europe, and Japan: A Comparative Study, 15 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 273 (2004).

42. European Commission IP Helpdesk, The Latest Draft Amendments to the Chinese Patent Law, (Nov. 10, 2022, 12:34 PM), https://intellectual-property-helpdesk.ec.europa.eu/news-events/news/latest-draft-amendments-chinese-patent-law-2020-08-06_en.

through an amendment of 2000, even the post-grant opposition system was eliminated and currently, the invalidation procedure is the single mechanism for challenging a patent's validity through a system of unified invalidity proceeding before the Re-Examination Panel of the Patent Office.⁴³

The invalidation of a patent application can be filed after the grant of a patent by any person who believes that the patent should not have been granted pursuant to the Chinese Patent Law.⁴⁴

d. Japan

Industrial property rights in Japan were considered as a tool for industrial development and with the same objective, the Japanese government enacted the Patent Act of 1959. While before this the patent statutes were based on the US law, however, the revisions made further marked a shift towards the German system.⁴⁵

Owing to the economic recession in 1994, the Japanese government switched from the pre-grant opposition system to the post-grant opposition system. The pre-grant opposition was considered as one of the major reasons for the delay because any person could file an application which inadvertently would burden Japan Patent Office during the examination stage.⁴⁶

The government also abolished the entire opposition system in 2004, however, it was re-introduced in 2015 but only up to the extent of post-grant opposition.⁴⁷ Third parties, competitors, and/or potential infringers may attack the validity of the patent by way of (newly introduced) opposition proceedings (up to six months from the date of the grant). These proceedings are exclusively in writing and can be raised by anyone, with or without legal interest.⁴⁸

The revocation proceedings before the Patent Office require a legal interest of the applicant and are thus normally initiated in connection with an infringement action, or a warning letter from the

patentee.⁴⁹ Another system is an invalidation trial, wherein patent validity can be challenged on any of the grounds as prescribed under the law.

This trial procedure results in revocation, grant of a patent, or amendment of a patent.⁵⁰

e. Republic of South Korea

The Patent Act, 1946 prescribes the patent rights upon registration and also a dual patent litigation system. Similar to Japan, the weakness surrounding pre-grant opposition was observed in South Korean patent systems.⁵¹ The pre-grant system was criticized as being subject to abuse to hinder patent applications, thereby holding off small inventors from competing or blocking inventions. As a result of such concerns and international pressure, the pre-grant opposition system was removed. Between 1 July 2007 and February 2017, a granted patent in Korea could be challenged only through invalidation proceedings. However, post-grant opposition was re-introduced on 1 March 2017. Therefore, currently, there are two procedures for challenging a patent i.e., invalidation and post-grant opposition.

The invalidation requests allow any interested parties to challenge one or more claims any time after the grant and even after the patent has expired. In addition to this, if three months have not passed since the date of registration publication of the patent right after registration of its establishment, any person may request the invalidation trial.⁵² On the other hand, the re-introduced post-grant opposition mechanism, can be initiated by anyone,

43. The Chinese Patent Act, 1985, art. 46.

44. The Chinese Patent Act, 1985, art. 45.

45. HEATH C., *supra* note at 315- 347.

46. NAGAOKA, S., REFORM OF PATENT SYSTEM IN JAPAN AND CHALLENGES. IN 21ST CENTURY INNOVATION SYSTEMS FOR JAPAN AND THE UNITED STATES: LESSONS FROM A DECADE OF CHANGE: REPORT OF A SYMPOSIUM 153-168 (2009).

47. HEATH C., *supra* note at 315- 347.

48. *Id.* at 320.

49. The Patent Act, 1959, sect. 123.

50. Mossinghoff, G.J. and Kuo, V.S., Post-Grant Review of Patents: Enhancing the Quality of the Fuel of Interest, 43 IDEA: THE JOURNAL OF LAW AND TECHNOLOGY 83 (2003).

51. Jochen Pagenberg, The WIPO Patent Harmonization Treaty, 19 AIPLA Q.J. 1, 13 (1991).

but only within six months from publication of the granted patent.⁵³

f. India

The Patent Act, 1970, grants a bundle of exclusionary rights to the patent holder.⁵⁴ The object of Patent Law is to encourage scientific research, new technology and industrial progress. Grant of exclusive privilege to own, use or sell the method or the product patented for limited period stimulates new inventions of commercial utility. The price of the grant of the monopoly is the disclosure of the invention at the Patent Office, after the expiry of the fixed period of the monopoly passes into the public domain.⁵⁵

Before filing a patent application, the inventor must ascertain whether the invention is patentable under the Patents Act or not. Chapter III to VII of the Patents Act, related to the registration which comprises Sections 6 to 11, deals with applications for the Patents which are read with the corresponding provisions under the Patents Rules, 2003.

The process of obtaining a patent is called patent prosecution. It consists of preparing and filing the patent application, then filing responses and amendments to the objections of the patent examiner. This patent prosecution will result in either the issuance of a published patent or the rejection or abandonment of the application.⁵⁶

In regard to the Indian legal perspective, Section 25 of the Indian Patent Act, 1970 deals with the opposition procedure to grant of patents. Before the grant of a patent and after the publication of the application for the patent, any person interested to oppose the application has to send his opposition to the Controller of Patents. The grounds for opposition of patent grant are almost the same as the tests for revocation of a patent once granted.⁵⁷

The Patent Amendment Act, 2005 has substituted Section 25 and now it allows 'any person' to file

a pre-grant opposition. Prior to the amendment, only an 'interested person' could file a pre-grant opposition. The provision of post-grant opposition was inserted post this Amendment Act of 2005. By enlarging the locus standi under Section 25(1), the legislature intended to bring transparency to the proceedings before the Controller. Patents confer a monopoly of use; however, some monopolies could be detrimental to welfare measures for the masses. The widened locus standi now permits any person, which can include researchers, and non-governmental organisations, to oppose a patent application by submitting information to the Controller in the interest of the society.⁵⁸

In addition to this, the Patent Act, 1970 prescribes for a post-grant opposition under which a notice can be filed by only 'person interested' for challenging the grant of a patent under the grounds mentioned under Section 25(2)(b). The validity of a patent can be questioned at any time throughout the term of a patent through the revocation process.⁵⁹ The challenge by such a person over the validity of a granted patent can be filed after the expiry of the one-year period of filing post-granted opposition.⁶⁰

Therefore, it can be concluded that unlike India, most the countries have either not incorporated the provisions relating to pre-grant oppositions or abolished the same due to the lacunas existing in that mechanism. However, there is a need to deliberate the possibility of incorporation of good practices in the substantive and procedural laws of India.

52. WIPO, Recent Changes to the Patent Act of Korea (Nov. 10, 2022, 12:34 PM), https://www.wipo.int/scp/en/meetings/session_25/comments_received/Republic_of_Korea_1.pdf.

53. European Patent Office, Frequently Asked Questions- Korea (Nov. 10, 2022, 12:34 PM), <https://www.epo.org/searching-for-patents/helpful-resources/asian/korea/faq.html>.

54. *Kirin Amgen Inc v Hoechst Marion Roussel Ltd* [2005] 1 All ER 667.

55. *Bishwanath Prasad Radhey SHyam v Hindustan Metal Industries*, AIR 1982 SC 1444.

56. ELIZABETH VERKEY, *supra* note at 255.

57. The Indian Patent Act 1970, sect. 25.

58. *Dhaval Diyora vs. Union of India and Ors.* (05.11.2020 - BOMHC): MANU/MH/1879/2020

59. Section 64 of the Patent Act, 1970

60. HEATH C., *supra* note at 437.

Table 1. Comparative Table for analysing the opposition mechanism.

| Basis of Differentiation | US | EU | China |
|--|--|--|--|
| Position of Pre-grant opposition | A patent is presumed to be valid No pre- grant opposition mechanism | No system of pre-grant opposition | Abolished |
| Timeline of Pre grant opposition | - | - | - |
| Who can file Pre- grant | - | - | - |
| Status of Post grant mechanism | Prescribed under Title 35 of the United States Code. | European patent convention provides for a post-grant mechanism | There is No system of post-grant opposition. |
| Time Period of Post Grant opposition | Any time during the enforceability of the patent. | Within 9 months of the publication of the grant of patent. | - |
| Who can file post-grant opposition | Any person can file an application/ | Any Third Party, not necessarily the applicant's competitors. | - |
| Revocation/ Invalidation | - | - | A post-grant patent invalidation process can be filed anytime by a unit or an individual can file an application |
| Role and functions of AI in Patent offices | Patent classification, prior art search, and patent examination | Image search, Patent prior art search, Patent classification, patent examination, Machine translation, Helpdesk services and Data analysis | Image search, Patent prior art search, Patent classification, Machine translation, and Data analysis |

| Japan | South Korea | India |
|--|--|--|
| Abolished | Abolished | There is a Pre-grant under Section 25(1) of the Patent Act of 1970 |
| - | - | At any time after the publication of the patent application, and before the grant of the patent. |
| - | - | 'any person' can file an application. |
| Patent Act, 1959 Article 113, provides for the post-grant opposition mechanism. | The Patent Act, 1946 provides for 'the post-grant opposition system | Section 25(2) The Patent Act, 1970 provides for the post-grant opposition |
| Up to six months from the date of grant of patent. | Post-grant opposition can be filed at any time until 6 months after the publication of patent registration | Within 12 months from the date of publication of the grant of publication |
| Any person, it can be third parties, competitors and/or potential infringers | Any person | "interested person" defined under Section 2(1)(t) |
| - | It provides for a patent invalidation system | It has a revocation procedure |
| Image search, Patent prior art search, Patent classification, and patent examination | Helpdesk services, Patent prior art search, and Machine translation | Does not use AI |

OPPOSITION OF PATENT AND CAUSES OF DELAYS IN INDIA

The Indian Patent Act, 1970 was enacted to effectively ensure that the patent rights are not worked to the detriment of the consumer, or to the prejudice of trade or the industrial development of the country. WIPO in its Statistical annual report noted that the number of patents applied and granted in India⁶¹ is still a fraction as compared to the patents granted in China,⁶² USA,⁶³ Japan⁶⁴ and Korea.⁶⁵ The number of patents filed in India is merely 3.8% of China and 9.5. of the USA in 2020. The global best practice is disposal within 2 to 3 years, whereas in India, the average time taken is just 5 years and is up to 9 years in some categories like biotech, and this is primarily due to the manpower shortage.⁶⁶

Section 25 of Act of 1970 inter alia deals with the opposition proceedings to grant of patents and the grounds of opposition. While most of the grounds relate to the non-fulfilment of the criteria for patentability, either because it is not an invention involving an inventive step, or a new invention i.e., that the invention was in the public domain earlier. While many grounds relate to the invention itself, others involve the rights of the patentee, for instance, that he was not entitled to the grant of the patent in the first instance because of the non-compliance with the provisions.

In 1959, Justice N. Rajagopala Ayyangar submitted a committee report on enquiring and suggesting the changes required in the Patent Law in India. The committee deliberated upon the suggestion to drop the provisions relating to the opposition proceeding because of the delay which inadvertently causes

substantial loss to the patentees. It was submitted before the committee that the validity of the patent can be challenged in revocation proceedings therefore the opposition proceedings were of no substantial value.⁶⁷

However, such proposal was considered as retrograde and through a statistical study conducted between 1950 to 1957, it was concluded that the oppositions filed against the total number of patent applications filed in the aforesaid duration were not mala fide. The opposition applications were also less in number. In addition to this, it was suggested by the Ayyangar Committee that the oppositions aid and secure a more detailed and informed examination.

The opposition proceedings may be either pre-grant or post-grant. Prior to the Patent (Amendment) Act of 2005, only an interested

61. WIPO, Statistical Country Profiles - India, (Nov. 10, 2022, 12:34 PM), https://www.wipo.int/ipstats/en/statistics/country_profile/profile.jsp?code=IN.
62. WIPO, Statistical Country Profiles - China, (Nov. 10, 2022, 12:34 PM), https://www.wipo.int/ipstats/en/statistics/country_profile/profile.jsp?code=CN.
63. WIPO, Statistical Country Profiles - The United States, (Nov. 10, 2022, 12:34 PM), https://www.wipo.int/ipstats/en/statistics/country_profile/profile.jsp?code=US.
64. WIPO, Statistical Country Profiles - Japan, (Nov. 10, 2022, 12:34 PM), https://www.wipo.int/ipstats/en/statistics/country_profile/profile.jsp?code=JP.
65. WIPO, Statistical Country Profiles - Korea, (Nov. 10, 2022, 12:34 PM), https://www.wipo.int/ipstats/en/statistics/country_profile/profile.jsp?code=KR.
66. Sanjeev Sanyal and Aakanksha Arora, supra note at 17.
67. Shri Justice N. Rajagopala Ayyangar, Report on the Revision of the Patents Law, 1959, (Nov. 10, 2022, 12:34 PM), https://www.ipindia.gov.in/writereaddata/Portal/Images/pdf/1959_Justice_N_R_Ayyangar_committee_report.pdf.

person could oppose at the pre-grant stage. From the parliamentary debates and the amendments made to Section 25(1), it appears that the amended law on pre-grant opposition sought to curtail the grant of frivolous patent applications and prevent 'evergreening' attempts by multinational corporations, reduce the burden of invalidity proceedings on courts, and provide for definite timelines regarding the filing and disposal of opposition proceedings.⁶⁸

However, post the 2005 Amendment Act, currently, the Indian legislation provides that in case of pre-grant opposition, a third party may oppose the grant of patent. The application can be filed by "any person" without even demonstrating their interest or the reasons why their rights may be affected by the grant of the patent.

However, such a practice of filing a pre-grant opposition by "any person" often results in making this provision self-defeating because many fictitious people end up filing opposition by masking the identity of the real person who is behind such filing of the opposition.⁶⁹

This puts an additional burden on the applicants to defend their applications against what may be frivolous oppositions. The rationale for using the expression 'any person' is to provide wider scrutiny to the application. But the empirical study establishes that the liberal regime has defeated the intent of insertion of this provision.⁷⁰ Therefore, it is pertinent to note that though "any person" was given the right to file the pre-grant opposition, however, its implementation defeats the purpose of the legislation as it is unnecessarily delaying the opposition mechanism and inadvertently leads to a delay in a patent grant.

It was observed in the *Dhaval* case,⁷¹ that due to the delay in the proceedings, number of applications are being withdrawn either because the applicants have expired or the intervenors have lost interest. There are cases where after the expiry of 19 years

and seven months, when four months were left for the expiry of the patent, the Appellate Board granted it. The Appellate Board has also noted cases where eighteen years have expired, and the patent is yet to be granted.⁷²

The Legislative intent to widen the locus standi under the amended Section 25(1) is not to create individual rights as such but to provide access to any person to assist the controller in taking a correct decision. The legislature has not conferred this right to be abused.⁷³

In *Anaghaya Million Pharma LLP vs. Nippon Soda Co. Ltd. and Ors.*,⁷⁴ it was held by Manmohan Singh, J. (Chairman) and Dr. B.P. Singh, Member (T) "to curb the filing of pre-grant opposition by benami applicants, 'any person' filing the pre-grant opposition must submit his valid Aadhar Card/Voter id Card/ Passport/Driving Licence to authenticate his identity. E-filing System at IPO should be suitably modified. in case of all pending pre-grant oppositions, if the pre-grant opponent has not filed with proof of his identity, he should be given one chance to submit the same within 15 days from the date of such communication, failing which the pre-grant opposition shall be rejected forthwith."

The Ayyangar committee report opined that the oppositions for the grant of the patent were never filed with a malafide intent. However, after analysing

68. Essenes Obhan and Sneha Agarwal, Can "Any Person" File A Pre-Grant Opposition In India?, (Nov. 10, 2022, 12:34 PM), <https://www.obhanandassociates.com/blog/can-any-person-file-a-pre-grant-opposition-in-india/>.

69. Priya Adlakha, Sukku and Rima Majumdar, India: Benami Pre Grant Patent Oppositions By Fictitious Persons, (Nov. 10, 2022, 12:34 PM), <https://www.mondaq.com/india/patent/1075274/benami-pre-grant-patent-oppositions-by-fictitious-persons>.

70. Lakshmikumaran and Sridharan, A Report on Ease of Doing Business, refer to appendices page 11.

71. *Dhaval Diyora vs. Union of India and Ors.* (05.11.2020 - BOMHC): MANU/MH/1879/2020.

72. Id.

73. *Anaghaya Million Pharma LLP vs. Nippon Soda Co. Ltd. and Ors.* (29.12.2020 - IPAB): MANU/IC/0074/2020.

74. Id.

the report from Lakshmikumaran and Sridharan, it can be observed that there are instances wherein it is established that many oppositions have been filed with a malafide intent to delay the grant of a patent to an inventor.

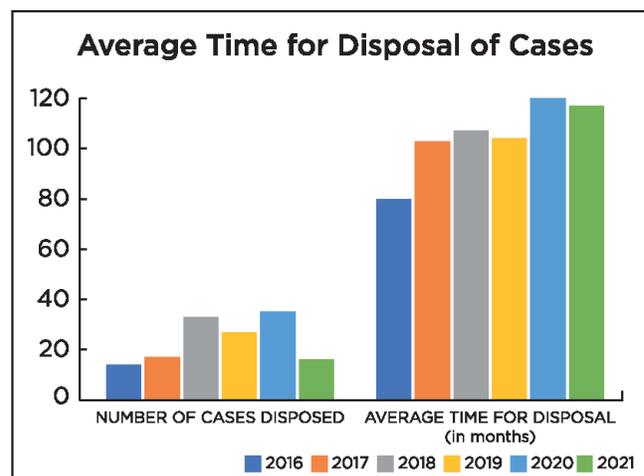
Prior to the patent Amendment Act, 2005, the legislation provided a limitation period of four months for filing of pre-grant opposition, which can be further extended up to one additional month. However, after the enforcement of the 2005 Amendment Act, there was no limitation provided by the legislators within which the Controller can be mandated to dispose of the pre-grant opposition.⁷⁵

In the Economic Advisory Council to the Prime Minister (EAC-PM) Report, another reason for the delays in the processing of an application was highlighted. There is no fixed time frame for filing a pre-grant opposition, leading to build-ups and delays. This provision is, in a substantial number of cases, used by people for making frivolous complaints which keep delaying the process. Therefore, it is preferred that the pre-grant opposition window should be 6 months from the issue of FER.⁷⁶ Serial oppositions increase the burden on the Controllers, as they have to scrutinize and issue notices for each such opposition. It also increases the burden on the applicants as they must reply to all such oppositions within a specific time period to ensure that the application is not abandoned.⁷⁷

Table 2. Average Time taken for disposal of Patent cases between 2016 - 2021

| Year of Issuance of order | Number of cases disposed | Average time for disposal (in months) |
|---------------------------|--------------------------|---------------------------------------|
| 2016 | 14 | 80 |
| 2017 | 17 | 103 |
| 2018 | 33 | 107 |
| 2019 | 27 | 104 |
| 2020 | 35 | 120 |
| 2021 | 16 | 117 |

Fig 1: Average Time taken for disposal of Patent cases between 2016 - 2021



After sorting of the 250 patent applications based on the following parameters: date of application, applicant name, basic application information, number of oppositions, details of opponents, date of representation of opposition, date of notice of opposition, date of response to opposition, date of hearing notice, number of adjournments, hearing date, date of written submissions and order date., majorly seven reasons can be identified as ones causing the most delay in processing patent applications; following reasons were observed for the delay in the pre-grant opposition procedure:

1. Oppositions filed by individuals without proper credentials
2. The delay is caused due to serial oppositions being filed by several parties.
3. Upon receiving a representation of opposition, the Controller may delay giving notice of the same to the applicant.
4. If either party requests a hearing in the matter, a delay at this point may be caused if the Controller does not issue a hearing notice expeditiously.

75. Priya Adlakha, Sukku and Rima Majumdar, supra note at 69.

76. Sanjeev Sanyal and Aakanksha Arora, supra note at 17.

77. Lakshmikumaran and Sridharan, Delhi, supra note at 70.

5. After the hearing notice is issued, delays may be caused if parties keep requesting for adjournment of the hearing.
6. If the parties have sought adjournment of the hearing, a delay may be caused in issuing further hearing notices by the Controller.
7. After the proceedings are complete, there may be a delay in delivering the decision on the matter.

Table 3. Number of cases delayed and the reasons thereof

| Reasons for Delay | Number of Cases |
|---|-----------------|
| Oppositions filed by individuals without proper credentials | 16 |
| Delay due to serial oppositions | 24 |
| Delay in issuing a notice of opposition by the Controller | 129 |
| Delay in issuing hearing notice by the Controller | 82 |
| Delay due to several adjournments | 19 |
| Delay in issuing further hearing notices in cases of adjournments | 9 |
| Delay in delivering order by the Controller | 45 |

Fig. 2: Number of cases delayed and the reasons thereof

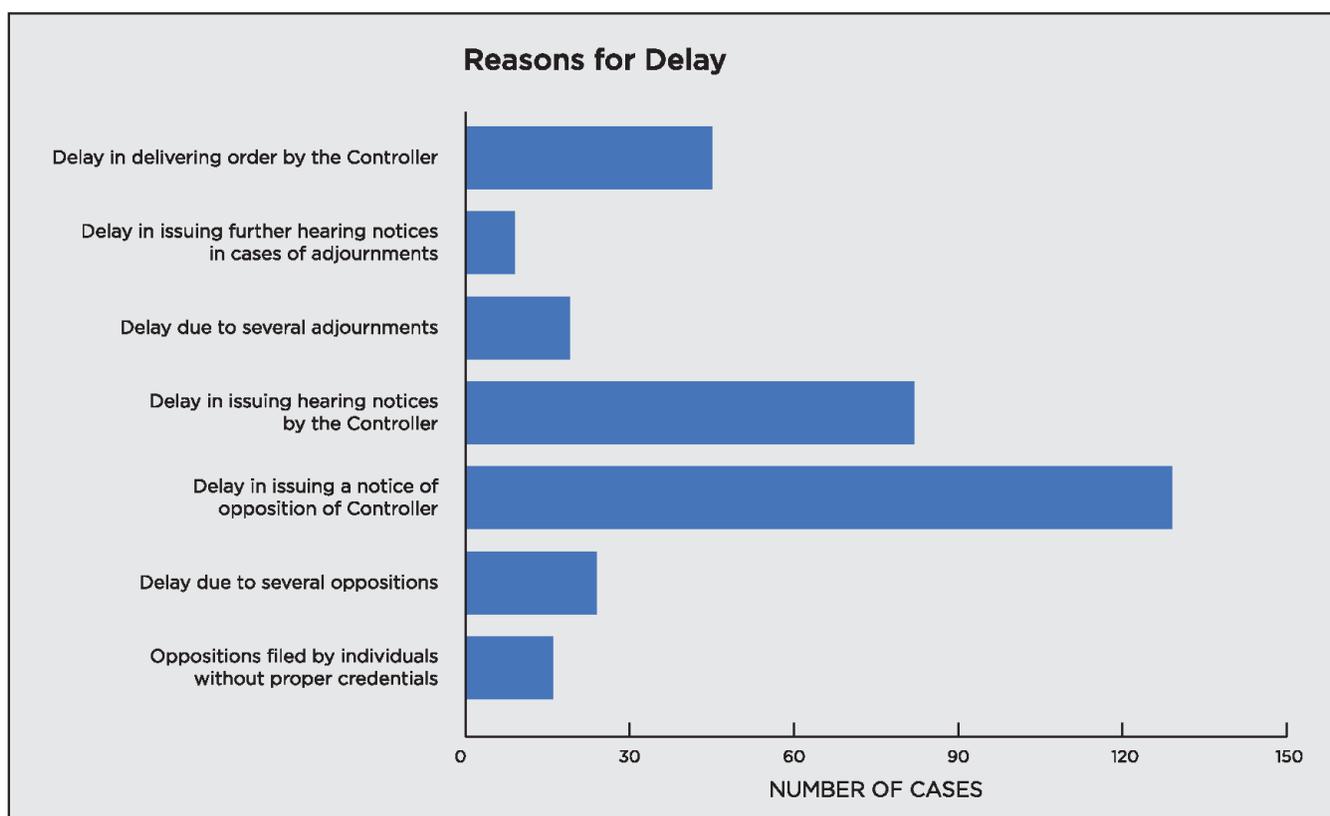
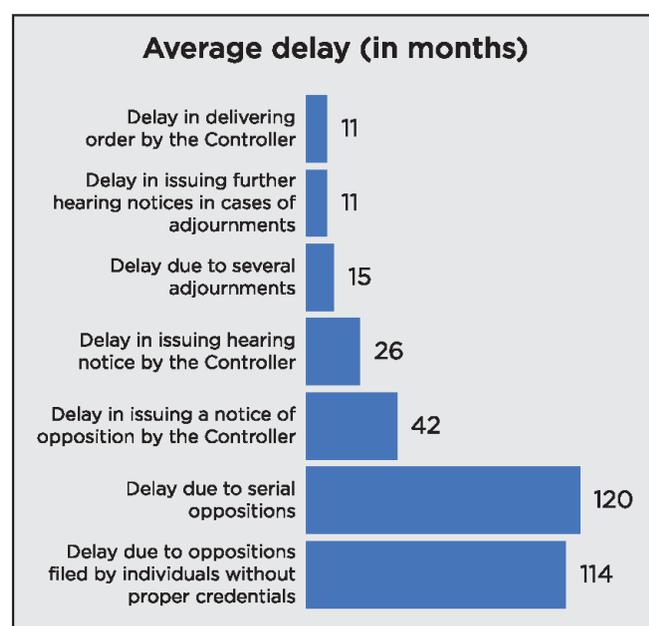


Table 4. Average Delay Duration against each reason for the delay

| Issues/reasons for delay | Average delay (in months) |
|--|---------------------------|
| Delay due to oppositions filed by individuals without proper credentials | 114 |
| Delay due to serial oppositions | 120 |
| Delay in issuing a notice of opposition by the Controller | 42 |
| Delay in issuing hearing notice by the Controller | 26 |
| Delay due to several adjournments | 15 |
| Delay in issuing further hearing notices in cases of adjournments | 11 |
| Delay in delivering order by the Controller | 11 |

Fig 3. Average Delay Duration against each reason for delay



a. Oppositions filed by individuals without proper credentials

As mentioned previously, ‘any person’ can file for a pre-grant opposition at any time after the

application has been published and before the grant leading to build-ups and delays.⁷⁸ Therefore a person doesn’t need to prove that he/she is engaged in, or in promoting research in the same field as that to which the invention relates. It has been observed that opposition by any third party often leads to frivolous and vexatious pre-grant opposition.

b. Serial Oppositions

It has been often observed that the system of filing pre-grant opposition is abused also by filing serial pre-grant opposition. These serial pre-grant oppositions can be seen to have been filed in two ways:⁷⁹

- i. Multiple pre-grant oppositions received within a short span of time, or
- ii. A single pre-grant opposition is filed. It goes through the complete procedure as prescribed in Rule 55. The Controller has heard both the parties and finally has reserved the order. If somehow, the intention of the Controller to reject the pre-grant opposition and subsequently grant the patent is revealed then second or subsequent pre-grant oppositions are filed and the chain continues.

Serial oppositions also increase the burden on the Controllers, as they have to scrutinize and issue notices for each such opposition. It also increases the burden on the applicants as they must reply to all such oppositions within a specific time period to ensure that the application is not abandoned.⁸⁰

Section 25(1) of the Act provides that a pre-grant opposition may be filed at any time after the publication of the application and before the patent is granted. This ordinarily means a period of several years is available to opponents to file an opposition. Therefore, this is one of the reasons for the delay in

78. The Patent Act, 1970, sect. 25.

79. Anaghaya Million Pharma LLP vs. Nippon Soda Co. Ltd. and Ors. (29.12.2020 - IPAB); MANU /IC/ 0074/ 2020.

80. Lakshmikumaran and Sridharan, Delhi, supra note at 12.

grant/refusal of a patent application by way of filing serial oppositions. It was analysed in the empirical study by LKS that out of total of 250 opposition cases, there were 24 cases where several parties have filed oppositions successively over several months or years.

c. Delay in issuing a notice of opposition by the controller

Section 25 of the Act is supplemented by Rule 55 of the Patents Rules 2003 (hereinafter the Rules). Rule 55(3) of the Rules stipulates that a notice of opposition shall be served upon the applicant if the Controller, after considering the representation, is of the opinion that the patent shall be refused, or the specification requires amendment. Under the said conditions, the Controller is bound to give due notice, along with a copy of the representation.

It is to be noted that since there is no timeline specified for the controller to issue notice and there have been instances wherein the notice of the opposition is issued along with the FER, which in turn also creates a delay as it may take the IPO several years in issuing the FER. In some cases, it has even taken longer than the date of FER for the Controller to issue notice. This creates a considerable delay in the proceedings.

One of the key findings as to the reason behind this delay is that the Controllers notify the applicant of an opposition several years after the same is filed. Further, there are instances wherein the FER is communicated by the Patent Office only to the patent agent and not to the applicant, which often keeps the applicant in the dark about his/her status of the application.⁸¹

d. Delay in issuing hearing notice by the Controller

Section 25(1) provides that a hearing in the matter of a particular pre-grant opposition will only be held if either the said opponent or the applicant files a request for a hearing. If such a hearing is requested,

the Controller must issue hearing notice to both parties intimating them of the date, time, and venue of the hearing.

As per the Patent Amendment Bill, 2005, Section 25(1) provided that opposition at the pre-grant opposition can be allowed by 'any person', provided that the 'person shall not become a party to the proceedings before the Controller'. The proviso was much objected to in the Parliament and hence the same was not added in the final amendment.⁸²

While the language of the Act prescribes that a hearing is conducted only when the parties request it, this hearing is often held in opposition proceedings. It is an essential part of natural justice in a proceeding, allowing the parties to be heard in-depth on the most important issues. Issuing a hearing notice to the parties once there are grounds for opposition is an intrinsic part of natural justice.⁸³

The Gujarat High Court in another case,⁸⁴ ruled that as citizens' rights are affected, they have a legal right to be heard in the opposition proceedings. A person filing for the opposition must be heard before a patent is granted.

In yet another matter *Precise Biopharma Pvt. Ltd. v. Assistant Controller of Patents and Designs*,⁸⁵ the Court in a challenge to an order rejecting the pre-grant opposition under, that a non-speaking order for rejecting the pre-grant opposition under Section 25(1) of the Act and without reasons are in violation of well-established principles of natural justice.⁸⁶

81. European Union v. Union of India, WP (C) IPD 5 of 2022, decided on 31-05-2022.

82. Essense Obhan and Sneha Agarwal, supra note at 68.

83. Gilead Pharmasset LLC v. Union of India MANU/DE/0244/2015.

84. Anup Engineering Ltd. v Controller of Patents, 1983 PTC 216 (Guj).

85. W.P.(C) IPD 3/2022.

86. Best Agrolife Limited vs. Deputy Controller of Patents and Ors. (07.07.2022 - DELHC) MANU /DE/ 2362/ 2022.

Delays on part of the Controller in issuing a hearing notice were another concern that was observed. Since the Controller can either reject or grant a patent only after considering the representations along with submissions made during the requested hearing,⁸⁷ a delay in giving the hearing notice leads to a delay in the final decision on the matter. A delay at this stage was seen in over 30% of the cases analysed and the average delay duration seen at this stage is 26 months.

While in most cases, a request for a hearing is submitted by the applicant along with the reply to the opposition, it takes the Controller years to issue a hearing notice.

e. Delay due to several adjournments

Rule 129A of the Patents Rules 2003 state that a party to any proceeding may request for an adjournment if they have a reasonable cause. Such adjournment must be requested at least three days before the hearing. Each party to a proceeding may request adjournment twice, and no adjournment can be for more than thirty days. This right has been amply utilized by both applicants and opponents in opposition proceedings. After the first hearing notice is issued, parties may file for adjournment of the hearing, and it can lead to a substantial delay depending on the length and frequency of adjournments sought.

A delay at this stage was seen in 8% of the cases analysed in this report, and the average delay duration seen at this stage is 15 months. One of the reasons for delay at this stage is that each party gets two adjournments. Often, parties who intend to delay the grant of a patent utilise both these adjournment requests.

f. Delay in issuing further hearing notices in cases of adjournments

Rule 129A of the Patents Rules, 2003 also provides that if the Controller deems it fit, he may adjourn the

hearing. In doing so, he must intimate the parties accordingly. Subsequently, a fresh date for a hearing must be notified. It is seen that the Controller may delay giving notice of subsequent hearings as well. This section also concerns those cases where after the request for adjournment, the Controller sets a hearing date which is after more than the thirty days period of adjournment prescribed by the Act.

Once the request for adjournment is sought, the Controller issues a subsequent hearing notice after several months, and sometimes, years. This is noted despite the fact that the statute only allows for an adjournment of one month. A delay at this stage was seen in almost 4% of the cases and the average delay duration seen at this stage is 11 months.

g. Delay in delivering orders by the Controller

Rule 55(6) of the Patents Rules, 2003 specifies that the Controller shall proceed to either reject or grant the patent simultaneously after the proceedings in a particular pre-grant opposition are culminated. This must be done "ordinarily within one month from the completion" of the proceedings. In using the term "ordinarily", the language of the Act does not lay down a strict timeline in which the Controller is bound to give an order.

In *Bajaj Auto Limited vs. TVS Motor Company Limited*,⁸⁸ it was observed that the appellant was found to repeatedly delay the proceedings by filing a barrage of applications and the intention is to ensure that the lis does not see the light of the day at all or at least for the period of validity of the said patent.

87. The Patent Rules 2003, Rule 55(6) .
88. MANU/TN/4736/2017.

Therefore, there is a need for speedy adjudication on such matters, especially in matters relating to trademarks, copyright, and patents, the judgment should be given within 4 months of filing the suit. This must be followed punctually by all courts and tribunals. Since the Controller exercised quasi-judicial functions, the direction must be followed.

In several cases, it was seen that the order was given after as long as one year, which is far longer than the expected time of action. The delay in this final step means that applicants must wait for a long time after the final hearing to receive an order on whether their invention is protected and in instituting infringement proceedings if any.

As per the available data, it is observed that a delay at this stage was seen in almost 20% of the cases analysed in this report, and the average delay duration seen at this stage is 11 months.

h. Delay in constituting an Opposition Board in case of Post-Grant Oppositions

Rule 56 of the Patent Rules provides for the provisions of the constitution of the Opposition Board on receipt of notice of opposition under Rule 55A by the Controller. The Opposition Board shall conduct the examination of the notice of opposition along with documents filed under Rules 57 to 60 referred to under sub-section (3) of Section 25, submit a report with reasons on each ground taken in the notice of opposition with its joint recommendation within three months from the date on which the documents were forwarded to them. Delay is often seen at this stage.

Justice Pratibha Singh observed in *Pharmacyclics LLC v. Union of India*,⁸⁹ that even though the Patent Rules do not stipulate any timelines for fixing the date of hearing, however owing to the temporal limitation of patent, *“the Opposition Board ought to give its recommendations within three months after the final is received under Rule 59. After the receipt*

of the recommendations of the Opposition Board, a hearing ought to be fixed within three months thereafter. An endeavour ought to be made by the Patent Office to ensure that post-grant oppositions are decided expeditiously as the pendency of post-grant oppositions delays adjudication of infringement suits, if any, in respect of the patent and also keeps the rights of the Patentee under a cloud or in doubt.”

Therefore, it can be concluded that the legislative intent behind pre-grant opposition was to increase transparency and cater to larger public interest. The procedural inefficiency is defeating the purpose of the legislative design. The grant of patent is experiencing inordinate delay in the Office of the Controller. Thus, there is a need to recommend ways in which the existing, robust law can be implemented efficiently by making both substantive and procedural changes in the law.

89. *Pharmacyclics LLC v. Union of India and Ors*, W.P.(C) 12105/2019 & CM APPLs. 49593/2019, 49594/2019, 49595/2019.

CONCLUSION AND RECOMMENDATIONS

The Ayyangar committee report observed that the opposition aids and secures a more detailed and informed examination. However, the procedure of patent filing should not hinder the incentivisation of the inventor/patentee. The suggestions for the issues can be three-fold action plans, i.e., short-term, mid-term, and long-term.

The **short-term action plan** includes reforms through executive actions such as capacity building of the Indian Patent Office (IPO) and introducing Artificial Intelligence (AI) to fast-track certain identified processes.

1. To ease the process of patent examination and reduce the burden on the patent office AI can be used by IPO for the following:
 - i. For search and examination of patent applications by the patent examiners as against existing search done manually. It is to be noted that countries like China, Australia, Austria, Brazil, European Union, German, Japan, Korea, etc. use AI in their prior art searches.
 - ii. AI can also prove to be useful by the IPO for image search, patent classification, patent prior art search, data analysis, and other helpdesk services.
 - iii. AI can be used to enable automatic issuance of hearing notice that may be immediately after one month of completion of the number of adjournments permissible under the Patents Rules, 2003.
 - iv. AI may be used for publication of the patent applications and the grant of patents to meet the prescribed timelines for IPO.

2. In addition to this, the IPO can identify and adopt the best practices followed by Patent Offices of other jurisdictions by conducting regular capacity-building programmes and developing a road map to improve the functioning of the IPO.

Even the department related Parliamentary Standing Committee on Commerce (PSC), in its 161st Report on 'Review of Intellectual Property Rights Regime in India' (2021) and subsequently in its Action Taken Report (169th Report) noted that the increase in the number of patent examiners does not commensurate with the increase in the number of patent applications that get filed in India. The PSC recommended that the IPO should be provided with adequate number of officials to expedite the process of patenting within a reasonable timeframe. Further, it must be ensured that the said officials are qualified and trained.

3. Furthermore, IPO should ensure that the existing timelines already provided in the Patents Rules, 2003 are followed strictly in letter and spirit. For example, Rule 55(5) of the Patents Rules, 2003 provides that the Controller will 'ordinarily' pass a speaking order in pre-grant oppositions within one month from the date of completion of proceedings. At present, these orders take approximately 11 months.

The mid-term action plan can be two-fold i.e., deliberations amongst the stakeholders and amendments to the patent laws. The stakeholders for the amendments would include policymakers,

academicians, companies, inventors, patent applicants, lawyers, students, researchers, etc. On the basis of the deliberations with the stakeholders, necessary amendments can be brought to Patent Act, 1970 and the Patent Rules, 2003. The Government may notify the necessary amendments with regard to the procedural aspects of the issuance of the notice of opposition and hearings, for the timely disposal of patent applications.

For instance, the IPO can issue guidelines wherein the opponent can directly serve the notice of opposition upon the applicant as well. This will reduce the burden on the Controller for serving an official notice on the Applicant and will also reduce the time delay in the first leg of the opposition procedures. The total number of adjournments allowed for both parties to be brought down. Further, the IPO may institute guidelines to ensure

that when a party keeps filing several adjournment requests, it must be required to show due cause for the same, and the request should only be granted once the reason has been scrutinized. The IPO can also institute a trigger mechanism through which a subsequent hearing notice is automatically issued when an adjournment is sought, fixing the date of the hearing to one month after the original date.

Similar to the US, Indian legislation does not contain the provision of 'Patent Pending'. The Indian Patent Office can adopt the practice of allowing the inventors who have filed for the patent application to label the invention as 'patent pending'. This would provide credibility and authenticity to the product for yielding market benefits. This will also ensure that the inventors can reap the benefits from the invention despite of delay in the grant of the patent.

Therefore, in the light of the above discussion recommendations as given below can be summarised

| Existing Practice | Delay noted | Recommendation |
|--|--|--|
| Notice of Opposition is served upon the applicant by the Controller | The Controller may take several years to serve the notice. | IT system to be instituted, which will serve the notice on the applicant as soon as the opposition is filed. |
| Hearing notice is issued by the Controller after the reply statement is filed by the Applicant | It takes several months for the Controller to issue the notice. | Automatic IT system to be instituted, which will serve the hearing notice within three months of the reply statement. |
| After a request for adjournment is filed, the Controller has to issue a subsequent hearing notice. | It is seen that a subsequent hearing notice is after several months. | Automatic IT system to be instituted, which will serve the subsequent hearing notice automatically as soon as the request is filed, fixing the hearing for one month from the original hearing date. |

The **long-term action plan** would include following the change in the substantive legal provisions:

- The Pre-grant opposition should be filed only by the interested person(s), to reduce the burden on the applicant as well as the Patent office, as they will not be required to deal with frivolous oppositions.
- A deadline of 6 months to one year from the date of issuance of the First Examination Report (FER) within which all oppositions must be filed.

Thus, the following amendments are suggested under Indian Patent Laws:

| Basis of Amendment | Patent Act, 1970 and Patent Rules, 2003 | Suggested Amendments |
|--|--|---|
| <p>The Pre-grant opposition system in India is a mechanism to aid the Patent office to examine applications. However, the acts of 'any person' who files for the patent opposition, with an objective to defeat the legislative intent and delay the grant of a patent should be condemned. Through an amendment in the Patents Act, 1970 an 'interested person' only should be allowed to file the patent opposition. In addition to this in the affidavit submitted by such person, a declaration can be submitted providing information about his interest in the application, and his area of business. In order to remove the veil from the persons filing oppositions without revealing their true credentials, the opponent can be also asked to submit other necessary details which would clarify that the opposition application has been brought at his own motion and he is not a fictitious person bringing opposition on behalf of another mala fide individual.</p> | | |
| Applicant for pre-grant opposition | <p>Section 25: Opposition to the patent. (1) Where an application for a patent has been published but a patent has not been granted, any person may, in writing, represent by way of opposition to the Controller against the grant of patent on the ground</p> <p>Manual of Rule 55: Any person may file an opposition by way of representation (Pre-Grant Opposition) to the Controller in Form 7A against the grant of Patent....</p> | <p>Section 25: Opposition to the patent. (1) Where an application for a patent has been published but a patent has not been granted, <i>any interested person</i> may, in writing, represent by way of opposition to the Controller against the grant of patent on the ground.</p> <p>Manual of Rule 55: <i>Any interested person</i> may file an opposition by way of representation (Pre-Grant Opposition) to the Controller in Form 7A against the grant of Patent....</p> |
| Timeline for opposition | <p>Manual of Rule 55: Any person may file an opposition by way of representation (Pre-Grant Opposition) to the Controller in Form 7A against the grant of Patent, at the appropriate office, at any time after publication of patent application</p> | <p>Manual of Rule 55: Any interested person may file an opposition by way of representation (Pre-Grant Opposition) to the Controller in Form 7A against the grant of Patent, at the appropriate office,</p> |

| | | |
|--|---|---|
| | u/s 11A but before the grant of Patent on any of the grounds mentioned in Section 25(1) with a copy to the applicant. | <i>within 6 months to 1 year from the date of the First Examination Report</i> on any of the grounds mentioned in Section 25(1) with a copy to the applicant. |
|--|---|---|

Patent Pending:

Unlike the US, Indian Patents Act, 1970 does not contain the provision of 'Patent Pending'.

The PSC in its 161st Report held a view that labelling of products with 'patent pending' would acknowledge their credibility and authenticity hence yielding marketing benefits to the patentees. The marking of products as 'patent pending' would empower the patentee by acting as a deterrent to IP crimes of unauthorized copying or counterfeiting of products and avoiding unnecessary infringements. The PSC, therefore, recommended the DPIIT to explore avenues in incorporating the practice of marking products with 'patent pending' in India to ensure maximum benefits to inventors or patentees.

The Indian Patent Office must adopt the practice of allowing the inventors who have filed for the patent application to label the invention as 'patent pending'. This would incentivize innovators despite of delay in the grant of the patent.

| Basis of Amendment | Patent Act, 1970 and Patent Rules, 2003 | Suggested Amendments |
|------------------------------|--|--|
| Provision for Patent Pending | <p>Section 11A (7) On and from the date of publication of the application for patent and until the date of grant of a patent in respect of such application, the applicant shall have the like privileges and rights as if a patent for the invention had been granted on the date of publication of the application:</p> <p>Provided that the applicant shall not be entitled to institute any proceedings for infringement until the patent has been granted:</p> <p>Provided further that the rights of a patentee in respect of applications made under sub-section (2) of section 5 before the 1st day of January, 2005 shall accrue from the date of grant of the patent:</p> | <p>Section 11A (7) On and from the date of publication of the application for patent and until the date of grant of a patent in respect of such application, the applicant shall have the like privileges and rights as if a patent for the invention had been granted on the date of publication of the application:</p> <p>Provided that the applicant shall not be entitled to institute any proceedings for infringement until the patent has been granted:</p> <p>Provided further that the rights of a patentee in respect of applications made under sub-section (2) of section 5 before the 1st day of January, 2005 shall accrue from the date of grant of the patent:</p> |

| | | |
|--|---|---|
| | <p>Provided also that after a patent is granted in respect of applications made under sub-section (2) of section 5, the patent-holder shall only be entitled to receive reasonable royalty from such enterprises which have made significant investment and were producing and marketing the concerned product prior to the 1st day of January, 2005 and which continue to manufacture the product covered by the patent on the date of grant of the patent and no infringement proceedings shall be instituted against such enterprises.</p> | <p>Provided also that after a patent is granted in respect of applications made under sub-section (2) of section 5, the patent-holder shall only be entitled to receive reasonable royalty from such enterprises which have made significant investment and were producing and marketing the concerned product prior to the 1st day of January, 2005 and which continue to manufacture the product covered by the patent on the date of grant of the patent and no infringement proceedings shall be instituted against such enterprises.</p> <p><i>Provided further that process and products may be labelled/marked as 'patent pending' till such time a patent is granted or otherwise disposed off.</i></p> |
|--|---|---|

Following amendments to the Patents Rules, 2003 may be considered to be provided under mid-term action plan:

Suggested amendments in Patents Rules, 2003

| Basis of Amendment | Patent Act, 1970 and Patent Rules, 2003 | Suggested Amendments |
|--|--|---|
| <p>The Controller should ensure that the 'first office action' should be issued at the earliest. The period between the First Office Action and the Final decision is very long in India because there is no deadline provided for the same. Therefore, a timeline for the same should be fixed.</p> | | |
| <p>Fixing timeline for issuance of final decision by Controller</p> | <p>Rule 24B (4) (4) Reply to the first statement of objections and subsequent reply, if any, shall be processed in the order in which such reply is received.</p> | <p>Rule 24B (4) (4) Reply to the first statement of objections and subsequent reply, if any, shall be processed in the order in which such reply is received. <i>Provided that the Controller issues his final decision on the patent application within three months from the date of subsequent reply in case there are no further objections, or a pre-grant opposition has not been filed.</i></p> |

| | | |
|---|---|---|
| | | <p><i>Provided further that in cases where there are further objections, the Controller appoints a date of hearing within three months from the date of subsequent reply and issues a final decision within three months from the date of hearing.</i></p> <p><i>Provided further that in case of pre-grant oppositions, the timelines as prescribed in Rule 55 may apply.</i></p> |
| Fixing Timeline for Notice of Hearing | <p>Rule 55: (1) Representation for opposition under sub-section (1) of section 25 shall be filed in Form 7(A) at the appropriate office with a copy to the applicant, and shall include a statement and evidence, if any, in support of the representation and a request for hearing, if so desired.</p> | <p>Rule 55: (1) Representation for opposition under sub-section (1) of section 25 shall be filed in Form 7(A) at the appropriate office with a copy to the applicant, and shall include a statement and evidence, if any, in support of the representation and a request for hearing, if so desired, <i>within three months from the reply filed by the Applicant.</i></p> |
| Service of Notice of Opposition & Fixing of Timeline in respect thereof | To be newly inserted | <p>Rule 55: (3A) <i>In case a pre-grant opposition is not found to be prima facie frivolous by the Controller and the Controller is of the view that it would need consideration, the Controller shall issue a notice of the filing of the opposition to the patent applicant within 3 months from the date of receipt of the pre-grant opposition.</i></p> |
| Rejoinder, if any, by Opponent & Fixing of Timeline in respect thereof | To be newly inserted | <p>Rule 55: (4A) <i>On receipt of the reply statement by the patent applicant, the Controller shall grant 1 month to opponent to file its rejoinder, if any, from the date of filing of the reply statement by the patent applicant.</i></p> |

| | | |
|--|--|---|
| Notice of Hearing | To be newly inserted | <p>Rule 55:</p> <p><i>(4B) The Controller shall issue a notice of hearing which shall not be later than 3 months from the date of expiry of the time period prescribed under Rule 4A above.</i></p> |
| Combined Hearing of the Pre-grant oppositions and Prosecution of Patent Applications | To be newly inserted | <p>Rule 55:</p> <p><i>4(C) Where hearing for prosecution of a patent application has not taken place under Section 14 and a pre-grant opposition is filed, the Controller may decide to appoint a combined date of hearing in respect thereof.</i></p> |
| Timeline for issuance of Speaking Order/ Decision by the Controller | <p>Rule 55 (5)</p> <p><i>(5) On consideration of the statement and evidence filed by the applicant, the representation including the statement and evidence filed by the opponent, submissions made by the parties, and after hearing the parties, if so requested, the Controller may either reject the representation or require the complete specification and other documents to be amended to his satisfaction before the patent is granted or refuse to grant a patent on the application, by passing a speaking order to simultaneously decide on the application and the representation ordinarily within 1 month from the completion of above proceedings.</i></p> | <p>Rule 55 (5)</p> <p><i>(5) On consideration of the statement and evidence filed by the applicant, the representation including the statement and evidence filed by the opponent, submissions made by the parties, and after hearing the parties, if so requested, the Controller may either reject the representation or require the complete specification and other documents to be amended to his satisfaction before the patent is granted or refuse to grant a patent on the application, by passing a speaking order to simultaneously decide on the application and the representation ordinarily within 1 month from the completion of above proceedings.</i></p> <p><i>Provided the Controller shall pass its speaking order not later than 3 months from the date of said completion of proceedings.</i></p> |
| Reduced Adjournments in case of pre-grant oppositions. | <p>Rule 129A</p> <p><i>An applicant for patent or a party to a proceeding may make a request for adjournment of the hearing with reasonable cause along with the prescribed fee prescribed in First Schedule, at least three days before the date of hearing and the Controller, if he thinks fit to do so, and upon such terms as he may direct, may adjourn the hearing and intimate the parties accordingly:</i></p> | <p>Rule 129A</p> <p><i>An applicant for patent or a party to a proceeding may make a request for adjournment of the hearing with reasonable cause along with the prescribed fee prescribed in First Schedule, at least three days before the date of hearing and the Controller, if he thinks fit to do so, and upon such terms as he may direct, may adjourn the hearing and intimate the parties accordingly:</i></p> <p><i>Provided that no party shall be given more than two adjournments and each adjournment shall not be for more than thirty days.</i></p> <p><i>Provided further that adjournment of hearing in pre-grant oppositions should be restricted to one per party with requirement to show cause notice for such request before adjournment is granted.</i></p> |

APPENDICES



THE EASE OF DOING BUSINESS

Prepared by:
Lakshmikumaran & Sridharan
No. 5, Link Road, Jangpura Extn.
New Delhi - 110014, India

Dr. Malathi Lakshmikumar

Executive Director and Practice Head,
Intellectual Property Rights
Lakshmikumar & Sridharan, Attorneys
malathi.l@lakshmisri.com

Dr. Prosenjit Chattopadhyay

Partner, Intellectual Property Rights
Lakshmikumar & Sridharan, Attorneys
prosenjit.c@lakshmisri.com

Ms. Anushka

Associate, Intellectual Property Rights
Lakshmikumar & Sridharan, Attorneys
anushka.verma@lakshmisri.com

TABLE OF CONTENTS

| | | |
|------|---|-----|
| 1. | EXECUTIVE SUMMARY | 36 |
| 2. | SCOPE OF THE STUDY | 37 |
| 3. | KEY FINDINGS AND RECOMMENDATIONS | 38 |
| 4. | PATENT OPPOSITIONS IN INDIA | 44 |
| 5. | PENDENCY IN PATENT OPPOSITION IN INDIA | 47 |
| 6. | PRE-GRANT OPPOSITIONS | 48 |
| 7. | PROCEDURE FOR FILING PRE-GRANT OPPOSITION BY WAY OF REPRESENTATION | 49 |
| 8. | REASONS FOR DELAY IN PRE-GRANT OPPOSITIONS | 50 |
| I. | DELAY DUE TO OPPOSITIONS FILED BY INDIVIDUALS WITHOUT PROPER CREDENTIALS | 50 |
| | KEY FINDINGS AND RECOMMENDATIONS | 51 |
| II. | DELAY DUE TO SERIAL OPPOSITIONS | 57 |
| | KEY FINDINGS AND RECOMMENDATIONS | 57 |
| III. | DELAY IN ISSUING A NOTICE OF OPPOSITION TO THE APPLICANT | 67 |
| | KEY FINDINGS AND RECOMMENDATIONS | 67 |
| IV. | DELAY IN ISSUING HEARING NOTICE | 98 |
| | KEY FINDINGS AND RECOMMENDATIONS | 99 |
| V. | DELAY DUE TO SEVERAL ADJOURNMENTS | 122 |
| | KEY FINDINGS AND RECOMMENDATIONS | 123 |
| VI. | DELAY IN ISSUING FURTHER HEARING NOTICES IN CASES OF ADJOURNMENTS | 131 |
| | KEY FINDINGS AND RECOMMENDATIONS | 131 |
| VII. | DELAY IN DELIVERING ORDER BY THE CONTROLLER | 135 |
| | KEY FINDINGS AND RECOMMENDATIONS | 135 |
| 9. | POST-GRANT OPPOSITION | 149 |
| 10. | PROCEDURE FOR FILING POST-GRANT OPPOSITION | 150 |
| 11. | REASONS FOR DELAY IN POST-GRANT OPPOSITION PROCEEDINGS | 151 |
| I. | DELAY IN CONSTITUTING AN OPPOSITION BOARD | 151 |
| II. | DELAY DUE TO SERIAL OPPOSITIONS | 152 |
| 12. | OVERALL RECOMMENDATIONS | 154 |
| | ANNEXURE-1 | 155 |

EXECUTIVE SUMMARY

This report on the ease of doing business, particularly in view of the patent opposition in India was commissioned to understand the issues faced by applicants during opposition proceedings. At present, there is no mechanism in place to reduce the time taken in cases where opposition is filed against patent applications/patents. Therefore, by the time a patent is granted, a better part of the 20-year protection period has already been spent in defending pre-grant oppositions. One essential drawback of it is that during the ongoing patent prosecution period, an applicant cannot file a suit for the infringement of a patent. Similarly, due to India's two-stage opposition mechanism, even after a patent is granted, the patentees may face post-grant oppositions, which seek to revoke the patent.

The present study has delineated the cases wherein delay has been seen at various stages of the opposition. We noted through the study that the delay is majorly seen in pre-grant oppositions at the stage of giving notice of the opposition to the applicant and in post-grant oppositions at the stage of constituting an opposition board. Further, there

is a prevalence of oppositions filed by individuals, who may not be in the same field of the invention but have filed the oppositions. Given this fact, it is recommended that there needs to be a check on the credentials of the opponents in the field to which the invention relates.

One of the key findings of this report is that there are several delays at various stages of the patent opposition procedure in India. One of the recommendations to deal with such procedural delays is to enforce deadlines by way of amendment of rules in the statute or the supplementing rules. This report is prepared with a particular focus on how to streamline the opposition proceedings and reduce the delay in the grant/refusal of the patent post the opposition proceedings. This can help improve the patent landscape in India and make it more inventor and/or investor friendly, thereby helping in ease of doing business in India.

SCOPE OF THE STUDY

In this report, we undertake an analysis highlighting the delay that occurs at every stage of the pre-grant and post-grant opposition proceedings in India. We relied on paid databases and the Indian Patent Advanced Search System for searching and sorting patent applications/patents, restricting our search to life-sciences patent applications/patents in which the opposition proceedings have been ongoing between July 2016 and July 2021, to understand the recent trends in the procedure followed by the Indian Patent Office. This sorting of the patent applications gave around 250 applications with manual checking of persecution details. Thereupon, a tabulation of data for each application was done based on

the following parameters: date of application, applicant name, basic application information, number of oppositions, details of opponents, date of representation of opposition, date of notice of opposition, date of response to opposition, date of hearing notice, number of adjournments, hearing date, date of written submissions and order date.

Based on the tabulation of the data we undertake an analysis using a qualitative and quantitative approach to understand the delays that occur at every stage of the pre-grant and post-grant opposition proceedings in India.

KEY FINDINGS AND RECOMMENDATIONS

An overview of the statistics, demonstrating the key findings of the report and a schematic representation of the opposition proceedings in India, is provided below:

A. Major Issues and Reasons for Delay faced by the applicants/patentees

| S. NO. | ISSUES/REASONS FOR DELAY | NUMBER OF CASES | PERCENTAGE OF CASES |
|--------|---|-----------------|---------------------|
| 1. | Oppositions filed by individuals without proper credentials | 16 | 6.4% |
| 2. | Delay due to serial oppositions | 24 | 9.6% |
| 3. | Delay in issuing a notice of opposition by the Controller | 129 | 51.6% |
| 4. | Delay in issuing hearing notice by the Controller | 82 | 32.8% |
| 5. | Delay due to several adjournments | 19 | 7.6% |
| 6. | Delay in issuing further hearing notices in cases of adjournments | 9 | 3.6% |
| 7. | Delay in delivering order by the Controller | 45 | 18.0% |

B. Average Delay Duration

The below statistic includes applications where the patent has either been granted or refused, as well as the applications which are currently pending. The average delay at each stage is showcased below.

It is pertinent to note that the average duration calculated for the heads 'oppositions filed by

individuals', and 'delay due to serial oppositions' has been calculated from the date the application was filed till the date of the final order. This will also include cases where delay has been caused due to several other reasons, separately listed under the different heads.

| S. NO. | ISSUES/REASONS FOR DELAY | NUMBER OF CASES | AVERAGE DELAY |
|--------|---|-----------------|---------------|
| 1. | Delay due to oppositions filed by individuals without proper credentials ^a | 16 | 114 months |
| 2. | Delay due to serial oppositions ^a | 24 | 120 months |
| 3. | Delay in issuing a notice of opposition by the Controller ^b | 129 | 42 months |
| 4. | Delay in issuing hearing notice by the Controller ^c | 82 | 26 months |
| 5. | Delay due to several adjournments ^d | 19 | 15 months |
| 6. | Delay in issuing further hearing notices in cases of adjournments ^e | 9 | 11 months |
| 7. | Delay in delivering order by the Controller ^f | 45 | 11 months |

a Calculated from the date of filing the application to the date of disposal of the case

b Calculated from the date of filing of the representation of the opposition to the date the notice of opposition was issued by the Controller. Often, it may take years for the Controller to issue the notice of opposition. Therefore, this time period provides us with an accurate representation of the average time taken for the Controller to issue the notice after the opposition is filed in a case.

c Calculated from the date the applicant filed a reply to the opposition to the date the first hearing notice was issued by the Controller. For an expeditious opposition proceeding, the Controller should issue the hearing notice immediately after the reply to the opposition is filed by the Applicant. Therefore, this time period is taken to understand the average time taken by the Controller to issue said hearing notice.

d Calculated from the date of the first hearing notice to the date of the final hearing. It is seen that due to several adjournments

e filed by the parties, the final hearing happens months/years after the first hearing notice was issued. Therefore, this time period illustrates the delay that happens due to several adjournments.

e Calculated from the date of adjournment request to the date of subsequent hearing notice. As per statutory provisions, adjournments may only be sought for one month. However, in practice, a subsequent hearing notice after the adjournment is issued months later, thereby giving the parties more than one-month of adjournment. In view of this, the above period is taken to calculate the average time it takes for the Controller to issue a subsequent hearing notice.

f Calculated from the date of final hearing to the date of the order by the Controller. Once the hearing is completed, the parties are required to file written submissions. Subsequently, the Controller should pass an order in the matter ordinarily within one month of the completion of proceedings. The above time period is taken to understand how much time it takes on average for the Controller to pass the order.

C. Average Time for Disposal of Cases

After analysing the sample size of around 250 cases, the below table has been prepared to show how many of the cases analysed were disposed of in each year, ranging from 2016 to 2021. Additionally,

the table also depicts the average number of years that these cases had been ongoing before their final disposal:

| YEAR OF ISSUANCE OF ORDER | NUMBER OF CASES DISPOSED | AVERAGE TIME FOR DISPOSAL* |
|---------------------------|--------------------------|----------------------------|
| 2016 | 14 | 80 months |
| 2017 | 17 | 103 months |
| 2018 | 33 | 107 months |
| 2019 | 27 | 104 months |
| 2020 | 35 | 120 months |
| 2021 | 16 | 117 months |

*Calculated from the date of filing the application to the date of disposal of the case

D. Key Findings and Recommendations

The table below showcases the key findings and our recommendations to overcome the issues of the analysis undertaken in the report, and identified:

| MAJOR ISSUES | KEY FINDINGS | RECOMMENDATIONS |
|--|--|---|
| <p>OPPOSITIONS FILED BY INDIVIDUALS WITHOUT PROPER CREDENTIALS</p> | <p>It is noted that individuals who have not demonstrated their interest or the reasons why their rights may be affected by a patent application, file oppositions against the grant of a patent. This puts an additional burden on the applicants to defend their applications against what may be frivolous oppositions.</p> | <ul style="list-style-type: none"> • In order to reduce the number of oppositions filed by individuals who have not demonstrated interest in the field of the patent application, it is recommended that the IPO can issue guidelines to ensure that all opponents put forth their credentials and interest in the application. This will be in line with the order of the Hon'ble Bombay High Court in the Dhaval Diyora v. Union of India case. In this case, the Hon'ble Court had questioned how a diamond businessman had any interest in a life-sciences patent and had further instructed that the credentials of all such individual opponents must be duly scrutinised. • This shall reduce the burden on the applicant as well as the Patent office, as they will not be required to deal with frivolous oppositions. |
| <p>DELAY DUE TO SERIAL OPPOSITIONS</p> | <p>One of the key findings is that there may be several oppositions in a particular case. For instance, in Application No. 6087/DELNP/2005, 6 oppositions were filed within a span of 2 years. It is also possible that these oppositions may have been filed to delay the grant of the patent. Serial oppositions increase the burden on the Controllers, as they have to scrutinise and issue notices for each such opposition. It also increases the burden on the applicants as they must reply to all such oppositions within a specific time period to ensure that the application is not abandoned.</p> | <ul style="list-style-type: none"> • One of the suggestions to reduce the delay due to serial oppositions is to institute a deadline of 6 months to one year from the date of issuance of the First Examination Report (FER) within which all oppositions must be filed. • Additionally, the IPO can issue guidelines wherein the opponent can directly serve the notice of opposition upon the applicant as well. This will reduce the burden on the Controller for serving an official notice on the Applicant and will also reduce the time delay in the first leg of the opposition procedures. |

| MAJOR ISSUES | KEY FINDINGS | RECOMMENDATIONS |
|--|---|--|
| <p>DELAY IN ISSUING A NOTICE OF OPPOSITION BY THE CONTROLLER</p> | <p>As per tables (A) and (B) above, a delay at this stage was seen in over 50% of the cases analysed in this report, and the average delay duration seen at this stage is 42 months.</p> <p>One of the key findings as to the reason behind this delay is that the controllers notify the applicant of an opposition several years after the same is filed. Sometimes such a notice is given even after the First Examination Report (FER) is issued. For instance, in application no. 3792/CHENP/2011, the notice of opposition was given 7 years after the opposition was filed, and almost a year and a half after the FER was issued. In some cases, it was noted that instead of issuing a notice of opposition, the Controller mentions just one line in the FER that an opposition has been filed and the applicant should take action against it. However, this may be missed by the applicant. For instance, in application no. 3735/DELNP/2012, the FER mentioned "examination report has been prepared based on the following documents:- ... Form 7A (PREGRANT)".</p> | <ul style="list-style-type: none"> • A recommendation to remedy the delay at this stage is to institute a deadline of 3 months from the date of filing of the representation of opposition. It is suggested that the Controller should issue a notice of opposition within this period. • Another measure that may be implemented to reduce the delay at this stage is to require the opponent to serve the opposition directly upon the Applicant. This will also reduce the burden on the Controller for serving an official notice. |
| <p>DELAY IN ISSUING HEARING NOTICE BY THE CONTROLLER</p> | <p>As per tables (A) and (B) above, a delay at this stage was seen in over 30% of the cases analysed in this report, and the average delay duration seen at this stage is 26 months.</p> <p>While in most cases, a request for a hearing is submitted by the applicant along with the reply to the opposition, it takes the Controller years to issue a hearing notice.</p> <p>One of the major outliers seen at this stage is in application no. 2933/DELNP/2009, where there was a delay of almost 6 years in issuing a hearing notice.</p> | <ul style="list-style-type: none"> • One of the recommendations to deal with the delay at this stage is to institute a deadline of 3 months from the date the reply is filed by the Applicant. It is recommended that the Controller should issue a hearing notice within this period to expedite the opposition proceedings. |

| MAJOR ISSUES | KEY FINDINGS | RECOMMENDATIONS |
|--|--|---|
| <p>DELAY DUE TO SEVERAL ADJOURNMENTS</p> | <p>As per tables (A) and (B) above, a delay at this stage was seen in 8% of the cases analysed in this report, and the average delay duration seen at this stage is 15 months.</p> <p>One of the reasons for delay at this stage is that each party gets two adjournments each. Often, parties who intend to delay the grant of a patent utilise both these adjournment requests. For instance, in application no. 1746/MUM/2008, 3 adjournments were sought, which led to a delay of almost 3 years.</p> | <ul style="list-style-type: none"> • It is recommended that the total number of adjournments allowed to both parties be brought down. • Further, the IPO may institute guidelines to ensure that when a party keeps filing several adjournment requests, it must be required to show due cause for the same, and the request should only be granted once the reason has been scrutinised. |
| <p>DELAY IN ISSUING FURTHER HEARING NOTICES IN CASES OF ADJOURNMENTS</p> | <p>As per tables (A) and (B) above, a delay at this stage was seen in almost 4% of the cases analysed in this report, and the average delay duration seen at this stage is 11 months. However, it is pertinent to note here that due to incomplete records uploaded on the IPO website, there may be several other cases that have not been captured in the report.</p> <p>Once the request for adjournment is sought, the Controller issues a subsequent hearing notice after several months, and sometimes, years. This is noted despite the fact that the statute only allows for an adjournment of one-month. For instance, in application no. 1746/MUM/2008, an adjournment was sought in December 2016, whereas the subsequent hearing notice was given in October 2019, almost 3 years later.</p> | <ul style="list-style-type: none"> • It is recommended that the IPO institute a trigger mechanism through which a subsequent hearing notice is automatically issued when an adjournment is sought, fixing the date of hearing to one month after the original date. |
| <p>DELAY IN DELIVERING ORDER BY THE CONTROLLER</p> | <p>As per tables (A) and (B) above, a delay at this stage was seen in almost 20% of the cases analysed in this report, and the average delay duration seen at this stage is 11 months.</p> | <ul style="list-style-type: none"> • It is recommended that a deadline of 3 months after the filing of written submissions may be instituted. |

| MAJOR ISSUES | KEY FINDINGS | RECOMMENDATIONS |
|--|--|--|
| | <p>According to the law that regulates patent oppositions, an order must ordinarily be given within one month of the hearing. However, a delay of years is witnessed at this stage. For instance, in application no. 10487/DELNP/2008, the order was issued 2 years after the proceedings were complete.</p> <p>Further, a delay is also seen as the hearing under Section 25 and Section 14 of the Patents Act, 1970 may be held at different times, often with a gap of several years.</p> | <ul style="list-style-type: none"> Further, another measure through which delay at this stage may be reduced is by conducting hearings under Section 14 and Section 25 of the Act together, or around the same time. This shall also reduce the burden on the Controller to conduct multiple hearings and reduce the burden on the Applicant to appear in multiple hearings, leading to increased costs and time in prosecuting a patent application. |
| <p>DELAY IN CONSTITUTING AN OPPOSITION BOARD IN CASE OF POST-GRANT OPPOSITIONS</p> | <p>In the case of post-grant oppositions, once the opposition is filed, the Controller is required to constitute an Opposition Board. Delay is often seen at this stage.</p> | <ul style="list-style-type: none"> One of the recommendations to reduce the delay at this stage of post-grant opposition is to institute a deadline of 6 months from the date of opposition, within which the Opposition Board should be constituted. |

PATENT OPPOSITIONS IN INDIA

After a patent application is filed in India, it is published and made available to the public. After publication and before the grant of a patent, any person who believes that the patent application must not be granted can file a representation of opposition. The patent law in India also allows a person interested to file a post-grant opposition to challenge a granted patent. The system of opposition plays an important role in improving the quality of a patent and balancing the interests of the patent applicant/patentee on one hand and the public on the other.

The Patents Act, 1970 (hereinafter, the Act) contemplates pre-grant oppositions in Section 25(1) of the Act and post-grant oppositions in Section 25(2) of the Act. Section 25(1) of the Act provides that “any person” may file a representation of opposition before the patent is granted. If an opposition under this section succeeds, the patent application is refused. An opposition proceeding is also available in case a patent is granted under Section 25(2) of the Act. In such cases, only “any person interested”, i.e., a person who can show that he is engaged in or promoting or researching in the same field to which the invention relates may file a representation after the patent is granted. This additional requirement has been added to ensure that no frivolous application is filed after the patent is granted. If the post-grant opposition proceedings succeed, the patent shall be revoked under Section 64 of the Act.

The grounds available for pre-grant and post-grant opposition under Section 25 of the Act are as follows:

25. Opposition to the patent.—

1. *Where an application for a patent has been published but a patent has not been granted, any person may, in writing, represent by way of opposition to the Controller against the grant of patent on the ground—*

- a that the applicant for the patent or the person under or through whom he claims, wrongfully obtained the invention or any part thereof from him or from a person under or through whom he claims;
- b that the invention so far as claimed in any claim of the complete specification has been published before the priority date of the claim—
 - i) in any specification filed in pursuance of an application for a patent made in India on or after the 1st day of January, 1912; or
 - ii) in India or elsewhere, in any other document: Provided that the ground specified in sub-clause (ii) shall not be available where such publication does not constitute an anticipation of the invention by virtue of sub-section (2) or subsection (3) of section 29;
- c that the invention so far as claimed in any claim of the complete specification is claimed in a claim of a complete specification published on or after priority date of the applicant's claim and filed in pursuance of an application for a patent in India, being a claim of which the priority date is earlier than that of the applicant's claim;
- d that the invention so far as claimed in any claim of the complete specification was publicly known or publicly used in India before the priority date of that claim.

Explanation.—For the purposes of this clause, an invention relating to a process for which a

- patent is claimed shall be deemed to have been publicly known or publicly used in India before the priority date of the claim if a product made by that process had already been imported into India before that date except where such importation has been for the purpose of reasonable trial or experiment only;
- e that the invention so far as claimed in any claim of the complete specification is obvious and clearly does not involve any inventive step, having regard to the matter published as mentioned in clause (b) or having regard to what was used in India before the priority date of the applicant's claim;
 - f that the subject of any claim of the complete specification is not an invention within the meaning of this Act, or is not patentable under this Act;
 - g that the complete specification does not sufficiently and clearly describe the invention or the method by which it is to be performed;
 - h that the applicant has failed to disclose to the Controller the information required by section 8 or has furnished the information which in any material particular was false to his knowledge;
 - i that in the case of a convention application, the application was not made within twelve months from the date of the first application for protection for the invention made in a convention country by the applicant or a person from whom he derives title;
 - j that the complete specification does not disclose or wrongly mentions the source or geographical origin of biological material used for the invention;
 - k that the invention so far as claimed in any claim of the complete specification is anticipated having regard to the knowledge, oral or otherwise, available within any local or indigenous community in India or elsewhere,

but on no other ground, and the Controller shall, if requested by such person for being heard, hear him and dispose of such representation in such manner and within such period as may be prescribed.

2. *At any time after the grant of patent but before the expiry of a period of one year from the date of publication of grant of a patent, any person interested may give notice of opposition to the Controller in the prescribed manner on any of the following grounds, namely:—*

- a that the patentee or the person under or through whom he claims, wrongfully obtained the invention or any part thereof from him or from a person under or through whom he claims;
- b that the invention so far as claimed in any claim of the complete specification has been published before the priority date of the claim—
 - i in any specification filed in pursuance of an application for a patent made in India on or after the 1st day of January, 1912; or
 - ii in India or elsewhere, in any other document: Provided that the ground specified in sub-clause (ii) shall not be available where such publication does not constitute an anticipation of the invention by virtue of sub-section (2) or sub-section (3) of section 29;
- c that the invention so far as claimed in any claim of the complete specification is claimed in a claim of a complete specification published on or after the priority date of the claim of the patentee and filed in pursuance of an application for a patent in India, being a claim of which the priority date is earlier than that of the claim of the patentee;
- d that the invention so far as claimed in any claim of the complete specification was publicly known or publicly used in India before the priority date of that claim.

Explanation.— For the purposes of this clause, an invention relating to a process for which a patent is granted shall be deemed to have been publicly known or publicly used in India before the priority date of the claim if a product made by that process had already been imported into India before that date except where such importation has been for the purpose of reasonable trial or experiment only;

- e that the invention so far as claimed in any claim of the complete specification is obvious and clearly does not involve any inventive step, having

- regard to the matter published as mentioned in clause (b) or having regard to what was used in India before the priority date of the claim;
- f that the subject of any claim of the complete specification is not an invention within the meaning of this Act, or is not patentable under this Act;
 - g that the complete specification does not sufficiently and clearly describe the invention or the method by which it is to be performed;
 - h that the patentee has failed to disclose to the Controller the information required by section 8 or has furnished the information which in any material particular was false to his knowledge;
 - i that in the case of a patent granted on a convention application, the application for patent was not made within twelve months from the date of the first application for protection for the invention made in a convention country or in India by the patentee or a person from whom he derives title;
 - j that the complete specification does not disclose or wrongly mentions the source and geographical origin of biological material used for the invention;
 - k that the invention so far as claimed in any claim of the complete specification was anticipated having regard to the knowledge, oral or otherwise, available within any local or indigenous community in India or elsewhere, but on no other ground.
-

PENDENCY IN PATENT OPPOSITION IN INDIA

Patent prosecution in India is a long-drawn procedure. Due to the dual opposition rights granted to third parties, patent applications, and subsequently granted patents as well remain vulnerable to refusal or revocation, respectively. It is pertinent to note that the rate of disposal and the period of pendency in India affect the rights of the applicant and showcase that the Indian patent landscape may be unfriendly towards inventors/investor rights.

In this regard, the below-mentioned statistics,

compiled by SpicyIP, one of India's leading intellectual property law blogs using the data made available to them in an RTI filed by them, and the data provided by the Patent Office in their Annual Reports, are illustrative:⁹⁰

90. Swaraj Paul Barooah & Praharsh Gour, "RTI on Patent Opposition Details Reveal Concerning (and Possibly Wrong?) Numbers", SpicyIP, November 5, 2020 (accessible at: <https://spicyip.com/2020/11/rti-on-opposition-details-reveals-concerning-and-possibly-wrong-numbers.html>)

TABLE 1: Pre-grant Oppositions in India

| PERIOD | NO. OF FRESH PRE-GRANT OPPOSITIONS FILED | NO. OF PRE-GRANT OPPOSITIONS DISPOSED | PATENT APPLICATIONS FILED | APPLICATIONS EXAMINED |
|---------|--|---------------------------------------|---------------------------|-----------------------|
| 2016-17 | 206 | 18 | 45,444 | 28,967 |
| 2017-18 | 260 | 108 | 47,854 | 60,330 |
| 2018-19 | 426 | 399 | 50,659 | 85,426 |
| 2019-20 | 800 | 67 | NA | NA |

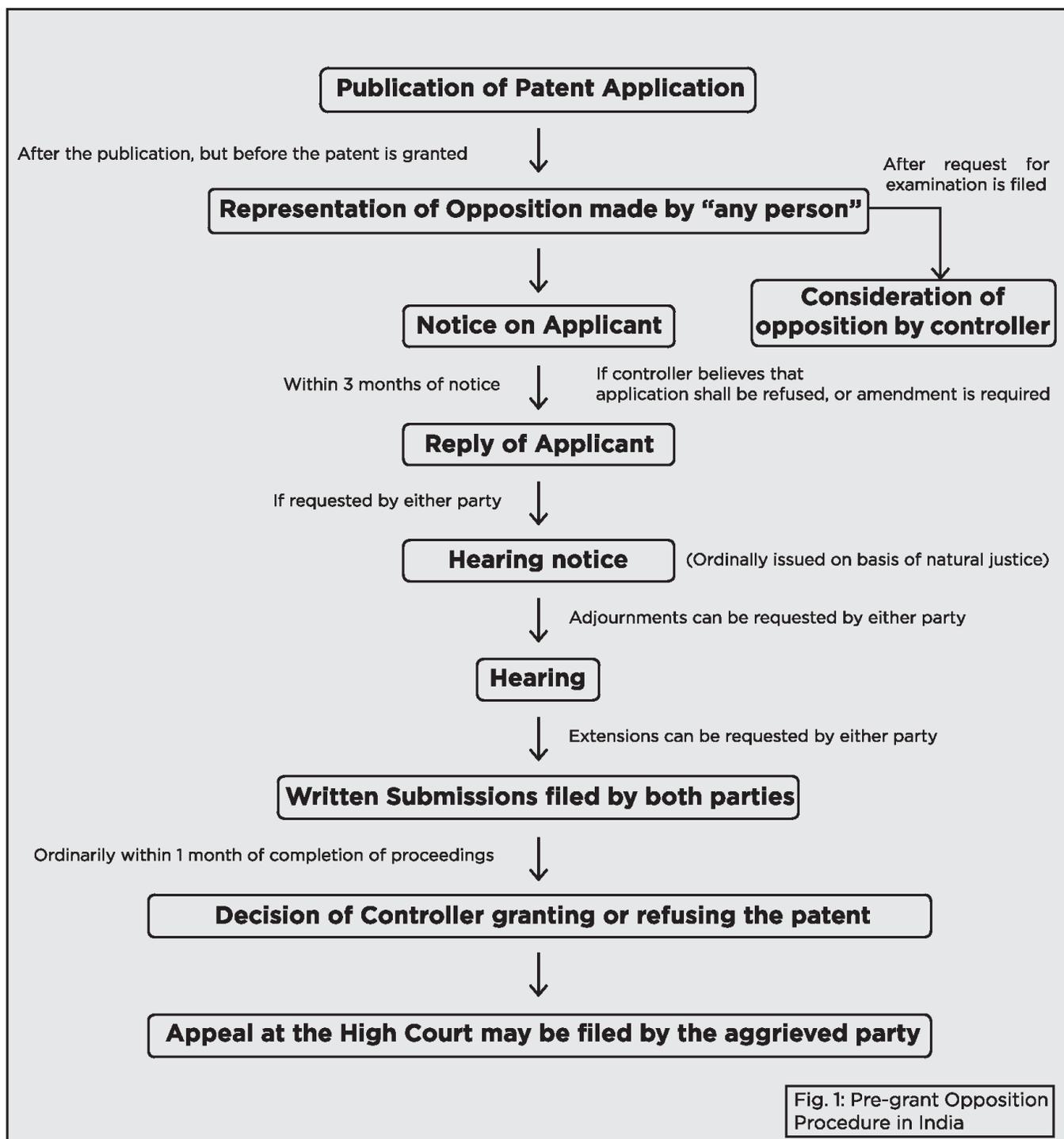
TABLE 2: Post-grant Oppositions in India

| PERIOD | NO. OF FRESH POST-GRANT OPPOSITIONS FILED | NO. OF POST-GRANT OPPOSITIONS DISPOSED | NO. OF OPPOSITIONS PENDING | PATENTS GRANTED IN THE PRECEDING YEAR |
|---------|---|--|--|---------------------------------------|
| 2016-17 | 12 | 12 | 160 (carried forward from preceding years) | 6,326 (2015-16) |
| 2017-18 | 18 | 8 | 170 | 9,847 (2016-17) |
| 2018-19 | 28 | 5 | 193 | 13,045 (2017-18) |
| 2019-20 | 28 | 7 | 99 | 15,283 (2018-19) |

The numbers reveal a glaring pendency of patent opposition matters. These numbers correspond to patent applications filed for all types of inventions, spanning various fields.

PRE-GRANT OPPOSITIONS

The procedure of pre-grant opposition proceedings under the Patent Act is provided in Figure 1 below:



PROCEDURE FOR FILING PRE-GRANT OPPOSITION BY WAY OF REPRESENTATION

1. A patent is not granted before the expiry of six months from the date of publication under Section 11A of the Act. Therefore, a person may file the pre-grant opposition to the Controller within the assured period of six months from the date of publication, to make sure that the pre-grant opposition is filed before the grant of patent.
 2. The pre-grant opposition shall include a statement and evidence, if any, in support of such opposition and a request for hearing, if so desired. The Controller shall consider the pre-grant opposition only after a Request for Examination for that application has been filed.
 3. The pre-grant opposition, if available on record, is considered by the Controller along with the report of the Examiner.
 4. On consideration of the pre-grant opposition, if the Controller is of the opinion that the patent application shall be refused or that the complete specification requires amendment, the Controller is required to issue a Notice to the patent applicant accordingly, along with a copy of the pre-grant opposition as filed.
 5. The patent applicant shall, if he so desires, submit a reply to the pre-grant opposition along with his statement and evidence, if any, in support of his application within 3 (three) months from the date of the receipt of the notice of the pre-grant opposition from the Controller.
 6. Thereafter, in cases where either the opponent or the patent applicant has requested a hearing in the pre-grant opposition, the Controller will issue a Notice intimating both the opponent as well as the patent applicant of the date and time for a hearing.
 7. After considering the representation and submissions made during the hearing, the Controller shall proceed further simultaneously, either rejecting the representation and granting the patent or accepting the representation and refusing the grant, ordinarily within one month from the completion of the above proceedings. If the application for patent is to be refused on consideration of the pre-grant opposition under Section 25(1) of the Act, a speaking order of refusal shall be issued by the Controller under Section 15 of the Act.
 8. If the Controller refuses the grant of the patent, then the applicant can file an appeal. The appeal must be filed within three months of the order of refusal before the High Court. Thereafter, if the opponent is aggrieved by the order of the High Court, then the opponent can file a petition for special leave to the Supreme Court against the decision of the High Court.
-

REASONS FOR DELAY IN PRE-GRANT OPPOSITIONS

Upon an analysis of the data collected, the following reasons were identified as ones causing the most delay in processing patent applications:

- i. The delay is caused due to serial oppositions being filed by several parties.
- ii. Upon receiving a representation of opposition, the Controller may delay giving notice of the same to the applicant.
- iii. If either party requests a hearing in the matter, a delay at this point may be caused if the Controller does not issue a hearing notice expeditiously.
- iv. After the hearing notice is issued, delays may be caused if parties keep requesting for adjournment of the hearing.
- v. If the parties have sought adjournment of the hearing, a delay may be caused in issuing further hearing notices by the Controller.
- vi. After the proceedings are complete, there may be a delay in delivering the decision on the matter.

Another major issue seen in pre-grant opposition proceedings is provided below:

- i. As Section 25(1) of the Act allows “any person” to file a notice of opposition, the delay may be caused due to oppositions filed by individuals without proper credentials, i.e. filed by persons who are merely “habitual front men put up by those who intend to only delay the grant of patent.”⁹¹

Each of these points has been discussed in detail in this report. Illustrations for delay at each stage of

the proceeding have been provided below.

I. DELAY DUE TO OPPOSITIONS FILED BY INDIVIDUALS WITHOUT PROPER CREDENTIALS

Section 25(1) of the Act states that “any person” may file a representation of opposition after the patent application is published and before the patent is granted. This indicates that the person filing the opposition does not need to show credentials of his interest in the same field as that to which the invention relates, a condition which is a pre-requisite in post-grant oppositions. In such cases, individuals who may not be interested in the grant of the patent may be put up by legitimate opponents to delay the patent prosecution process.

The case of *Pfizer Products Inc. v. The Controller of Patent & Designs & Ors.*⁹² discusses such incidents. In that case, IPAB expressed that opponents who do not have any real interest in the opposition are “crooked imposters” who must be stopped. Oppositions filed by such persons are bogus and without merit and must be dismissed at the earliest. The order was appealed in a writ petition before the Bombay High Court in *Dhaval Diyora v. Union of India*.⁹³ In this case, the Court had questioned how the petitioner, a businessman in the diamond business, had intricate knowledge of life-sciences. The bench questioned the credentials of the petitioner and stated that he was clearly a front-

91. *Dhaval Diyora v. Union of India*, 2021 (4) MhLJ 282.

92. OA/1/2016/PT/MUM.

93. 2021 (4) MhLJ 282.

man to delay the patent proceedings. It drew these observations from the fact that the petitioner did not disclose who has been funding his team to conduct research. It is also observed that such oppositions are on the rise as competitors of applicants do not want inventions to be patented.

Key Findings:

1. We note that in several cases, individuals had filed oppositions, without disclosing their interest in the field of invention. This creates a lot of additional burden on the Controller as well as the applicant. The Controller is required to scrutinise each opposition and issue notice to the applicant, and the applicant is required to file replies to all oppositions, as failure to do so leads to abandonment of the application.
2. We noted that several individuals such as Tapan Shah, Dharmendra, and Dhaval Diyora have filed such oppositions in various applications, where the inventions relate to different fields.
3. Some of the most striking outliers we captured under this heading are listed below:
 - Application No. 5057/CHENP/2007: In this case, an opposition was filed by an individual a few days before the hearing was held in the first opposition. Interestingly, the individual withdrew the opposition a couple of days before the hearing was scheduled in his matter.
 - Application No. 2499/DEL/2013: The opponent in their opposition stated that

their interest in the application stems from the fact that they have clients in the same field. The Controller of Patents noted that the opponent, in this case, was a “straw-man”, who was looking to “abuse the process of law”. The patent was granted 13 years after the application was filed.

- Application No. 9708/DELNP/2008: The opposition was filed by an individual named Dhaval Joshipura. Interestingly, the opposition was withdrawn by the individual as soon as the hearing notice was issued, giving an impression that the opposition was filed with the sole intention of delaying the patent.

Recommendations:

1. It is recommended that a deadline of 6 months to one year from the date of issuance of the FER may be instituted by the Patent Office within which all the oppositions must be filed.
2. Additionally, it is recommended that the IPO can issue guidelines to ensure that all opponents put forth their credentials and interest in the application. This will be in line with the order of the Hon’ble Bombay High Court in the Dhaval Diyora v. Union of India case.

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|-------------|--------------------|--------------------------|---|
| 1. | UPL Limited | 1720/MUM/2009 | Agrochemical Composition | The application was filed in 2009. In 2014, an opposition was filed by Haryana Pesticides Manufacturing Association. Subsequently, in 2020, oppositions were filed by individuals named Prajakta Sawant and Garvit Gupta. While opponent Prajakta |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--------------------------------|--------------------|---|--|
| | | | | Sawant did not appear in her hearing, Garvit Gupta repeatedly sought extensions, giving an impression that the latter oppositions were filed by individuals without proper credentials. The patent was granted in March 2022, 13 years after the application was filed. |
| 2. | Eisai R&D Management Co. Ltd. | 2371/CHENP/2012 | Quinoline Derivative-Containing Pharmaceutical Composition | The application was filed in March 2012, with an international filing date of August 2010. Three oppositions by individuals named Tapan Shah, Dhaval Diyora and Meera Sharma were filed in September 2017, October 2018, and April 2020 respectively. While the hearings for the first two oppositions were held together, the third opponent did not pursue the opposition. The patent was finally granted in February 2021, 9 years after the application was filed. |
| 3. | Taisho Pharmaceutical Co. Ltd. | 6000/DELNP/2007 | 1-Thio-C-Glucitol Derivatives | The application was filed in August 2007, with an international filing date of January 2006. Four pre-grant oppositions were filed to the application by Rohan Chopra in June 2017, Bhawana Joshi in February 2018, Tapan Shah in August 2018, and Ritu Sharma in July 2019. The decision on these matters was delivered in November 2020, 13 years after the application was filed, which disposed of the oppositions, and granted the patent. |
| 4. | GSP Crop Science Pvt. Ltd. | 2551/MUM/2015 | Formulated Pesticidal Composition of Anthranilamide Insecticide with Fungicides | The application was filed in July 2015. The 1st opposition was filed by an individual named Dharmender in July 2018. The 2nd opposition was filed by Haryana Pesticides in August 2018. The patent was finally granted in 2021. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|---------------------|---|---|
| 5. | Regrow Biosciences Private Limited | 201621038900 | A Process of Preparing Buccal Epithelial Cell Suspension and its use | The application was filed in November 2016. An opposition was filed by an individual named Babita Arora in March 2020. Without any credentials provided, it can be stated that the same is an opposition filed by an individual without proper credentials to delay the proceedings, even more so as after the hearing notice, the opponent has been requesting adjournments. The patent was finally granted in March 2022. |
| 6. | Starbucks Corporation, D/B/A Starbucks Coffee Company | 4706/ KOLNP/2010 | Beverages with Enhanced Flavours and Aromas and Method of Making Same | The application was filed in December 2010. An opposition to the same was filed in February 2019. The opposition was filed by an individual named Ashish Thapar, who has previously filed several oppositions in various other cases, clearly being a frontman for third parties in the opposition matters. The application is currently pending. |
| 7. | FMC Corporation | 6920/ DELNP/2008 | Stable Mixtures of Microencapsulated and Non-Encapsulated Pesticides | The application was filed in August 2008. 3 pre-grant oppositions were filed in this matter. Out of the 3, two of them are opponents who are individuals without proper credentials, namely Mr. Dharmendra, who filed the opposition in November 2018, and Mr. Dhaval Dayabhai Diyora who filed the opposition in July 2019. It can be stated that these oppositions are by individuals without proper credentials as these opponents have habitually filed several oppositions to various applications without providing any details of their relevancy to the matter. The patent was refused under Section 25(1) of the Act in July 2020. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|---------------------|---|--|
| 8. | 1. E.R. Squibb & Sons, L.L.C 2. Ono Pharmaceutical Co., Ltd. | 5057/ CHENP/2007 | Human Monoclonal Antibodies to Programmed Death 1 (Pd-1) For Use in Treating Cancer | The application was filed in November 2007. Four pre-grant oppositions were filed in this matter. Out of the four, the 2nd pre-grant opposition was filed by Pankaj Kumar Singh, filed in November 2016. It is pertinent here to note that the said opponent filed the opposition just a few days before the hearing in the first pre-grant opposition was held. Not only that, Pankaj Kumar Singh filed for an adjournment of the hearing scheduled in the matter of opposition filed by him, and subsequently withdrew his opposition 4 days before the hearing was due to be held. This shows a clear intention of delaying the grant of the patent. The patent was granted in June 2020. |
| 9. | Shah Deepak Pranjivandas | 252/MUM/2011 | A Pesticidal Composition | The application was filed in January 2011. Two pre-grant oppositions were filed in this matter. Out of the 2, one is an individual without proper credentials, namely Ashish Thapar who filed the opposition in November 2013. It can be stated that this is an opposition filed by an individual without proper credentials as he has habitually filed several oppositions to various applications. The patent was granted in August 2019. |
| 10. | Shah Deepak Pranjivandas | 253/MUM/2011 | A Novel Pesticidal Composition | The application was filed in January 2011. An opposition was filed in the matter by Ashish Thapar in October 2013. This can be an opposition filed by an individual without proper credentials due to habitual oppositions filed by the said individual to various applications. The patent was granted in March 2018. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---------------------------------|--------------------|---|---|
| 11. | Regeneron Pharmaceuticals, Inc. | 9708/DELNP/2008 | VEGF Antagonist Formulations Suitable for Intravitreal Administration | The application was filed in November 2008, and a pre-grant opposition was filed in December 2015. The opposition was filed by an individual named Dhaval Joshipura and the submissions did not indicate his relation to the field of the invention. The fact that this was an opposition filed by an individual without proper credentials is also further strengthened by the fact that the opponent withdrew the opposition as soon as the hearing notice was issued, indicating that there was no intention of contesting the application, but merely to delay the grant of the patent. The patent was granted in October 2017. |
| 12. | Rajkumar Arora | 2499/DEL/2013 | A Process for Preparation of a Dental Health Composition | The application was filed in August 2013 and an opposition was filed in September 2014. The opponent in their representation stated that since they have clients who are involved in the same field, they have a substantial interest in this matter. However, they did not attend the hearings or submit any arguments for the same. In an order dated August 22, 2016, the Controller promptly noted that "it seemed that the opposition has been filed by a straw man, who is circumventing the law by abuse of process." The patent was granted. |
| 13. | Japan Tobacco Inc. | 640/CHENP/2012 | Nitrogen-Containing Spiro-Ring Compound and Medicinal Use of Same | The application was filed in July 2010, and an opposition in the matter was filed in September 2018. The opposition was filed by an individual named Tapan Shah, who has filed several oppositions in various matters across different fields of invention and can thereby be termed as an individual without proper credentials. The patent was granted in July 2020. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|--------------------|--|---|
| 14. | Cadila Healthcare Limited | 1613/MUM/2008 | A Process for the Preparation of Crystalline Arformoterol Tartrate and Intermediates Thereof | The application was filed in July 2008, and an opposition was filed by one Rajendra Ghogare in June 2017. This opposition can be termed as an opposition filed by an individual without proper credentials as the opponent did not disclose any association with the field in the representation, and merely stated that he is a person interested "in the field of patents". Further, the opposition was filed 1 month after the hearing notice for Section 14 of the Act was issued, indicating that it may be with the intent to delay the grant of the patent. However, the application was ultimately abandoned and was refused in October 2019. |
| 15. | Immunogen, Inc. | 885/CHENP/2008 | Process for Preparing Purified Drug Conjugates | The patent application was filed in February 2008. In the matter two pre-grant oppositions were filed. The 2nd opposition was filed by an individual named Pankaj Kumar Singh, in August 2016. This can be termed as an opposition filed by an individual without proper credentials, as the same individual has filed several pre-grant oppositions in various matters without providing details of his relevancy to the matter, and thus is a habitual opponent. The patent was granted in November 2019. |
| 16. | Bristol-Myers Squibb Holdings Ireland Unlimited Company | 854/DELNP/2010 | Process for Synthesizing Compounds Useful for Treating Hepatitis C | The patent application was filed in February 2010. Two pre-grant oppositions were filed in the matter, by Dr. G Subramanyam and Dalbir Singh, in November 2015 and May 2016 respectively. The second opposition is an opposition filed by an individual without proper credentials as the |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|-----------|--------------------|-------|--|
| | | | | opponent has habitually filed several oppositions without providing details of his relevancy to the matter. The patent was refused in August 2019. |

II. DELAY DUE TO SERIAL OPPOSITIONS

Section 25(1) of the Act provides that a pre-grant opposition may be filed at any time after the publication of the application and before the patent is granted. This ordinarily means a period of several years is available to opponents to file an opposition. Therefore, this is one of the reasons for delay for grant/refusal of a patent application by way of filing serial oppositions. We analysed 250 opposition cases and we identified **24 cases** where several parties have filed oppositions successively over several months or years. Since these oppositions need to be examined by the Controller, this often leads to a delay in issuing the notice of opposition to the Applicant. Several such instances have been captured from the data collected, as presented below.

Key Findings:

- We note that serial oppositions have been filed against applications filed by Indian applicants as well as foreign applicants. Additionally, the opponents consist of individuals, as well as corporates/organisations.
- Another interesting finding is that in several cases, the opponents were represented by the same agent/law firm. This can often be an indication of a concerted effort by the opponents to delay the grant of the patent.
- Serial oppositions create a considerable burden on both the Controller and the applicant. The Controller is required to scrutinise each opposition and issue a notice to the applicant, and the applicant is required to file replies to all oppositions, as failure to do so leads to abandonment of the application.
- Some of the most striking outliers we captured under this heading are listed below:
 - Application No. 6087/DELNP/2005: In this case, 6 oppositions were filed against the patent application. Several opponents were represented by the same agents, and the oppositions were filed within a span of a little over 1 year.
 - Application No. 5057/CHENP/2007: In this case, 4 serial oppositions were filed. Interestingly, the subsequent oppositions were filed either a few days before the hearing in the prior opposition was scheduled to be held, or after the hearing was held. The patent was granted 13 years after the application was filed.
 - Application No. 1356/CHE/2009: 3 oppositions were filed against the application filed by Bharat Biotech International Limited. There was a delay of 11 years in the matter, showcasing that serial oppositions create a lot of hassles for the applicant to prosecute the application.
 - Application No. 6920/DELNP/2008: 3 oppositions were filed in this matter. Interestingly, 2 of these oppositions were filed by individuals, one among them being Dhaval Diyora, who was noted by the Bombay High Court as being a notorious front-man opponent.
 - Application No. 3871/CHENP/2009: 2 oppositions were filed against this application filed by Mitsubishi Tanabe Pharma Corporation. Interestingly, neither

of the opponents pursued their oppositions diligently, and the patent was granted in 2017, 8 years after the application was filed.

Recommendations:

1. It is recommended that a deadline of 6 months to one year from the date of issuance of the FER may be instituted by the Patent Office within which all the oppositions must be filed.

2. Additionally, the IPO can issue guidelines wherein the opponent should be directed to directly serve the notice of opposition upon the applicant as well. This will reduce the burden on the Controller for serving an official notice on the Applicant and will also reduce the time delay in the first leg of the opposition procedures.

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--------------------------------------|--------------------|--|---|
| 1. | Bharat Biotech International Limited | 1356/CHE/2009 | Stable Immunogenic Protein having multiple cysteine molecules process therefor and composition thereof | <p>The patent application was filed in June 2009. After the First Examination Report was published, in 2015, 2 pre-grant oppositions were filed to the application by Malaria Vaccine Development Program, in September 2015, and an individual named Manish Kumar, in August 2015. A third pre-grant opposition was filed by International Centre of Genetic Engineering & Biotechnology in October 2016.</p> <p>It is interesting to note that all the opponents were represented by the same firm. The patent was granted in March 2021.</p> |
| 2. | MSD Italia S.R.L., Italy | 4187/DELNP/2007 | Potassium Salt of an HIV Integrase Inhibitor | <p>The patent application was filed in June 2007 with an international filing date of December 2005. In this matter, 3 oppositions were filed by:</p> <ul style="list-style-type: none"> • INP in July 2011 • DNPP in August 2013 • Mylan Laboratories in August 2018 <p>However, the applicant abandoned the application by filing no reply to the opposition.</p> |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---------------------------------|--------------------|---|---|
| 3. | Arena Pharmaceuticals Inc. | 311/KOLNP/2009 | A Process for Preparing a Compound | The application was filed in January 2009, with an international filing date of 2004. 2 oppositions, by Symed Labs and Dr. Reddy's Laboratories, were filed within a span of 9 months in 2018. 12 years since the patent was filed, it is still pending hearing. |
| 4. | Wyeth LLC | 3826/KOLNP/2007 | A method of Weak Partitioning Chromatography | The application was filed in October 2007, with an international filing date of March 2006. 2 oppositions by Indian Pharmaceutical Alliance and Glenmark Pharmaceuticals were filed in 2010 and 2011 respectively. 13 years after the application was filed, it was granted in 2020 as the opponents abandoned their oppositions. |
| 5. | Sanofi-Aventis Deutschland GmbH | 2423/CHENP/2011 | Drug Delivery Device & Method of Manufacturing a Drug Delivery Device | The application was filed in April 2011, with an international filing date of 2009. 2 oppositions were filed within a span of 2 months in 2019. These were by: <ul style="list-style-type: none"> • Mylan Labs in February 2019 • Biocon Ltd. in April 2019 The application remains pending, 10 years after it was filed. |
| 6. | Gilead Pharmasset LLC. | 6087/DELNP/2005 | A (2'R)-2'-Deoxy-2'Fluoro-2'-C-Methyl Nucleoside | The application was filed in December 2005. In this matter, six pre-grant oppositions were filed. They are by: <ul style="list-style-type: none"> • Natco Pharma in March 2014 • IMAK and DNP in March 2014 • BDR Pharma in January 2015 • Sankalp Rehabilitation Trust in January 2015 • Optimus Pharma in March 2015 • India Cares in June 2015 Natco Pharma withdrew its opposition. It is important to note that Optimus Pharma Ltd., India Cares and Sankalp Rehabilitation Trust were represented |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--------------------------------|--------------------|---|--|
| | | | | by the same agent whereas BDR Pharma and IMAK & DNP were represented by the same agent. The Patent was granted in May 2016. |
| 7. | Pfizer Ireland Pharmaceuticals | 2315/DELNP/2007 | Production of Polypeptides | The application was filed in March 2007. 2 oppositions were filed in this matter by: <ul style="list-style-type: none"> • Biocon Limited in March 2010 • Mylan Laboratories in February 2014 The patent was granted in November 2016. |
| 8. | FMC Corporation | 6920/DELNP/2008 | Stable Mixtures of Micro-encapsulated And Non-Encapsulated Pesticides | The application was filed by August 2008 and there are 3 pre-grant oppositions filed for this matter. Namely, by: <ul style="list-style-type: none"> • Punjab Chemicals and Crop Protection Ltd. filed in December 2014 • Dharmendra in November 2018 • Dhaval Dayabhai Diyora in July 2019 The patent was refused under Section 25(1) of the Act in July 2020. |
| 9. | Helsinn Healthcare S.A. | 1024/MUMNP/2005 | A Medicament Dose of Palonosetron for Treatment of Post Operative Nausea and Vomiting | The application was filed in September 2005 and there are 2 serial pre-grant oppositions filed for this matter by: <ul style="list-style-type: none"> • GM Pharma LTD filed in February 2007 • Sun Pharmaceuticals filed in June 2007 The patent was refused in June 2011. The applicant filed an appeal at the IPAB against the Controller's decision. However, the appeal was withdrawn in January 2020. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--|---------------------|---|---|
| 10. | 1. E.R. Squibb & Sons, L.L.C 2 . Ono Pharmaceutical Co., Ltd. | 5057/ CHENP/2007 | Human Monoclonal Antibodies to Programmed Death 1 (PD-1) for Use in Treating Cancer | <p>The application was filed in November 2007. 4 pre-grant oppositions were filed in the matter. They are by:</p> <ul style="list-style-type: none"> • Indian Pharmaceutical Alliance in July 2015 • Pankaj Kumar Singh in November 2016 • Restech Pharmaceuticals in July 2017 • Dr. Reddy's Laboratories Limited in February 2018 <p>The 2nd opposition was filed just 1 day before the hearing in the 1st opposition was conducted. The 2nd opposition was withdrawn 4 days before the hearing scheduled for the matter. Simultaneously, the agent for the 2nd opponent filed another opposition in the matter, on behalf of the 3rd opponent. Lastly, the 4th opponent filed an opposition on the day of hearing in the matter of the 3rd opposition. This shows a clear intention of filing subsequent oppositions to delay the grant of the patent. Finally, the patent was granted in June 2020.</p> |
| 11. | Janssen Sciences Ireland UC | 288/MUMNP/2010 | A process for preparing polymorph I of ϵ 4-[[4- [[4-(2-cyanoethenyl)]-2,6-dimethylphenyl]amino]-2-pyrimidinyl]amino] benzonitrile | <p>The application was filed in February 2010 and 2 pre-grant oppositions were filed in the matter. They were by:</p> <ul style="list-style-type: none"> • Indian Pharmaceutical Alliance, filed in November 2010 • Cipla Ltd. filed in October 2011 <p>It is extremely relevant to note here that both the oppositions were abandoned immediately after the hearing notice was issued in the matters. 10 years after the application was filed, the patent was granted in February 2020.</p> |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--------------------------|--------------------|---|--|
| 12. | Shogun Organics Limited | 4121/MUM/2013 | Insecticide Compound and the Compositions Thereof | <p>The application was filed in December 2013. In this matter, 3 pre-grant oppositions were filed by:</p> <ul style="list-style-type: none"> • S. Majumdar and Co in January 2017 • M/s Tagros Chemicals India Ltd. in February 2017 • Lex Regia in August 2018 <p>It is important to note that the opposition by S. Majumdar was withdrawn after the hearing notice in the matter was issued, and the opposition by Lex Regia was withdrawn 4 days after it was filed. The patent was granted in July 2019.</p> |
| 13. | Shah Deepak Pranjivandas | 252/MUM/2011 | A Pesticidal Composition | <p>The application was filed in January 2011. In this matter, 2 pre-grant oppositions were filed by:</p> <ul style="list-style-type: none"> • Ashish Thapar in November 2013 • Haryana Pesticides Manufacturers' Association in May 2015 <p>The second opposition was filed a few months after the applicant was notified of the first opposition, indicating that the second opponent wished to delay the grant of patent. The patent was granted in August 2019.</p> |
| 14. | Onyx Therapeutics, Inc. | 768/DELNP/2007 | Compounds for Proteasome Enzyme Inhibition | <p>The application was filed in January 2007. In this matter, 2 pre-grant oppositions were filed by:</p> <ul style="list-style-type: none"> • Laurus Labs Pvt. Ltd. in April 2015 • Natco Pharma in February 2018 <p>It is important to note here that the second opposition by Natco Pharma was filed 8 days after the final hearing was completed in the first opposition. Therefore, it was a deliberate attempt on the part of the opponent to delay the grant of the patent. The application was refused in October 2018.</p> |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--------------------------------------|-----------------------------|--|---|
| 15. | Mitsubishi Tanabe Pharma Corporation | 3871/ CHENP/2009 | Crystalline Form of 1-(B-D-Glucopyranosyl)-4-Methyl-3-[5-(4-Fluorophenyl)-2-Thienylmethyl] Benzene Hemihydrate | <p>The application was filed in July 2009. In this matter, 2 pre-grant oppositions were filed within a span of 5 months by:</p> <ul style="list-style-type: none"> Ranbaxy Laboratories Pvt. Ltd. in May 2013 Indian Pharmaceutical Alliance in September 2013 <p>Interestingly, none of the oppositions were diligently pursued. The opposition by Ranbaxy was not pursued after it merged with Sun Pharmaceuticals and the opposition by IPA was withdrawn after the hearing notice was issued in the matter. The application was granted in August 2017.</p> |
| 16. | Eli Lilly & Company | IN/ PCT/2002/845/ KOL | A Novel Crystalline Form of N-[4-[2-(2-Amino-4,7-Dihydro-4-Oxo-3h-Pyrrolo[2,3-D] Pyrimidin-5-Yl) Ethyl]Benzoyl]-L-Glutamic Acid and Process Therefor | <p>The application was filed in June 2002, and 3 pre-grant oppositions were filed in the matter by:</p> <ul style="list-style-type: none"> Dabur Pharma Ltd. (later Fresenius Kabi Oncology Limited) in May 2007 Glenmark Pharmaceuticals in January 2009 Cipla Ltd. in December 2009 <p>Interestingly, all the opponents were represented by the same agent. The applicant ultimately did not pursue the application and it was refused in July 2015.</p> |
| 17. | UPL Limited | 1720/MUM/2009 | Agrochemical Composition | <p>The application was filed in 2009. In this matter, 3 pre-grant oppositions were filed by:</p> <ul style="list-style-type: none"> Haryana Pesticides Manufacturing in September 2014 Prajakta Sawant in April 2020 Garvit Gupta in July 2020 |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|-------------------------------|--------------------|--|---|
| | | | | Interestingly, the opposition by Prajakta Sawant was filed a few months after the hearing in the first opposition was held, indicating the intention to delay of the patent. The patent was granted in March 2022, i.e. 13 years after the application was filed. |
| 18. | Eisai R&D Management Co. Ltd. | 2371/CHENP/2012 | Quinoline Derivative-Containing Pharmaceutical Composition | <p>The application was filed in March 2012, with an international filing date of August 2010. 3 oppositions were filed in the matter by:</p> <ul style="list-style-type: none"> • Tapan Shah in September 2017 • Dhaval Diyora in October 2018 • Meera Sharma in April 2020 <p>While the hearings for the first two oppositions were held together, the third opponent did not pursue the opposition. The patent was finally granted in February 2021, 9 years after the applications was filed.</p> |
| 19. | Immunogen, Inc. | 885/CHENP/2008 | Process for Preparing Purified Drug Conjugates | <p>The patent application was filed in February 2008. In the matter, 2 pre-grant oppositions were filed by:</p> <ul style="list-style-type: none"> • Indian Pharmaceutical Alliance in December 2014 • Pankaj Kumar Singh in August 2016 <p>It is pertinent to note that the second opposition was filed 1 day after the hearing in the first opposition was concluded. This shows a clear intent to serially file oppositions to delay the grant of the patent. The patent was granted in November 2019.</p> |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|------------------------------|--------------------|---|--|
| 20. | DIC Corporation | 5621/CHENP/2015 | Method for Producing Polyarylene Sulfide Resin and Polyarylene Sulfide Resin Composition | <p>The patent application was filed in September 2015, and 2 oppositions in the matter were filed after the FER was issued by:</p> <ul style="list-style-type: none"> • SK Chemicals in July 2019 • Jyoti Bhandari in December 2019 <p>The applicant issued a letter in December 2021 that they are not pursuing the application further.</p> |
| 21. | Astellas Pharma Inc. | 3071/KOLNP/2008 | An α -Form Crystal of (R) -2-(2- Aminothiazol -4-yl)-4'-[2- [(2-Hydroxy-2-Phenylethyl) Amino] Ethyl]-Acetanilide | <p>The application was filed in July 2008 and 2 pre-grant oppositions were filed in this matter by:</p> <ul style="list-style-type: none"> • M/s Themis of Gujarat in December 2010, and • Indian Pharmaceutical Alliance in December 2013 <p>Interestingly, the first opposition was withdrawn immediately after the hearing notice in the matter was issued. The application was finally refused in August 2017.</p> |
| 22. | Wyeth LLC | 8081/DELNP/2007 | Multivalent Pneumococcal Polysaccharide-Protein Conjugate Composition | <p>The application was filed in October 2007. 2 oppositions in the matter were filed by:</p> <ul style="list-style-type: none"> • Panacea Biotech Limited in August 2010, and • Médecins sans Frontières in March 2016 <p>Interestingly, the second opposition was filed after the hearing in the first opposition was completed. The patent was granted in August 2017.</p> |
| 23. | Troikaa Pharmaceuticals Ltd. | 96/MUM/2005 | Injectable Preparations of Diclofenic and its Pharmaceutically Acceptable Salts | <p>The application was filed in February 2005. In the matter, 3 pre-grant oppositions were filed by:</p> <ul style="list-style-type: none"> • Neon Laboratories Ltd in October 2007 |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|--------------------|---|---|
| | | | | <ul style="list-style-type: none"> Hiren Patel in December 2008 Lincoln Pharma in February 2009 <p>It is interesting to note that the third opposition was filed on the day of the hearing in the second opposition. The patent was initially granted in 2009, however, the opponent filed a writ petition at the Bombay High Court, which directed the Controller to consider the matter again. Finally, all the 3 oppositions were dismissed, and the patent was granted in April 2011. After a post-grant opposition, the patent was revoked in 2020. However, the revocation order has been stayed by the IPAB.</p> |
| 24. | Bristol-Myers Squibb Holdings Ireland Unlimited Company | 806/DELNP/2010 | Crystalline Form Of Methyl ((1s)-1-(((2s)-2-(5-(4'-(2-((2s)-1-((2s)-2-((Methoxy-carbonyl) Amino)-3-Methylbutanoyl)-2-Pyrrolidinyl)-1h-Imidazol-5-Yl)-4-Biphenyl)-1h-Imidazol-2-Yl)-1-Pyrrolidinyl) Carbonyl)-2-Methylpropyl) Carbamate Dihydrochloride Salt | <p>The application was filed in February 2010. In the matter, 3 pre-grant oppositions were filed by:</p> <ul style="list-style-type: none"> Dalbir Singh in May 2015 Natco Pharma in November 2015 Delhi Network of Positive People (DNP+) in February 2017 <p>The application was ultimately abandoned by the applicant in December 2021.</p> |

III. DELAY IN ISSUING A NOTICE OF OPPOSITION TO THE APPLICANT

Section 25 of the Act is supplemented by Rule 55 of the Patents Rules 2003 (hereinafter the Rules). Rule 55(3) of the Rules stipulates that a notice of opposition shall be served upon the applicant if the Controller, after considering the representation, is of the opinion that the patent shall be refused, or the specification requires amendment. Under the said conditions, the Controller is bound to give due notice, along with a copy of the representation. However, it is often seen that this step is not done as expeditiously as possible. Often, the notice of the opposition is issued along with the FER, which creates a delay as it may take the IPO several years in issuing the FER. In some cases, it has even taken longer than the date of FER for the Controller to issue notice. This creates a considerable delay in the proceedings.

Key Findings:

1. It is noted that in over 50% of the cases analysed, i.e., in 129 cases, a delay at the stage of giving notice of the opposition was seen. Therefore, this cause of delay is one of the key issues noted during the patent prosecution phase.
2. We noted that this delay is majorly caused as the Controller often gives the notice of the opposition either with the FER, or sometimes even after the FER is issued. This may take several years for the notice of opposition to be served upon the applicant.
3. Some of the most striking outliers we captured under this heading are listed below:
 - Application No. 3792/CHENP/2011: In this case, there was a delay of seven years in giving the notice of opposition. The opposition was filed in 2012, and the notice was served in 2019. Interestingly, while the FER was issued in 2018, the notice was not served upon the Applicant along with it.
 - Application No. 6898/CHENP/2010: The situation, in this case, was the same as above,

as there was a seven years delay in the matter, and the notice was served upon the Applicant after the FER was issued, despite the fact that the opposition had been filed years before the FER.

- Application No. 7192/CHENP/2010: In this case, the opposition was filed in February 2011, and the notice of the same was served upon the Applicant with the FER, in February 2017, thereby causing a six years delay.
- Application No. 3826/KOLNP/2007: Two oppositions were filed against this application, in July 2010 and April 2011 respectively. It is interesting that while the FER was issued in 2013, i.e., after the oppositions were filed, the notice was not given until September 2019, thereby causing a delay of almost nine years in the first opposition and eight and a half years in the second opposition. It is also interesting to note that these oppositions were ultimately abandoned, and the patent was granted.
- Application No. 1001/MUM/2007: It is not always the case that the Patent Office has delayed in giving notice of opposition. In this case, an opposition was filed in June 2014, and the notice of it was given within two months, i.e., in August 2014.

Recommendations:

1. A recommendation to remedy the delay at this stage is to institute a deadline of three months from the date of filing of the representation of opposition. It is suggested that the Controller should issue a notice of opposition within this period.
2. Another measure which may be implemented to reduce the delay at this stage is to require the opponent to serve the opposition directly upon the Applicant. This will also reduce the burden on the Controller for serving an official notice.

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--------------------------------------|--------------------|---|--|
| 1. | NAL Pharmaceutical Group Ltd. | 3792/CHENP/2011 | Dosage Form for Insertion into the Mouth | The application was filed in 2011. An opposition was filed in October 2012. Even though the First Examination Report was given in March 2018, the notice of the opposition was only given to the applicant in August 2019. While the patent was refused as the applicant finally notified that it will not attend the hearing, this case presents an adequate example of delay at the stage of giving notice to the applicant, in this case 7 years . |
| 2. | HIL Ltd. | 2578/DEL/2009 | An improved process for manufacturing non-asbestos fibre cement sheets | The application was filed in December 2009, and the FER was issued in December 2017. An opposition in the matter was filed in August 2018. The notice to the applicant of the same was given 19 months later in March 2020. The patent was granted in May 2021. |
| 3. | Yeda Research & Development Co. Ltd. | 2420/CHENP/2012 | Low Frequency Glatiramer Acetate Therapy | The application was filed in March 2012. The FER was issued in May 2017, and an opposition was filed in November 2017. The notice of the opposition was given to the applicant close to 2 years later in July 2019. The application was refused in September 2022. |
| 4. | Vivus Inc. | 6898/CHENP/2010 | Low Dose Topiramate/ Phentermine Composition and Methods of Use thereof | The application was filed in October 2010, and the opposition was filed in November 2012. Even though the FER was given in 2017, it did not mention the opposition. The notice of the opposition was given to the applicant in August 2019. Therefore, there was a delay of almost 7 years in the matter. While the applicant |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--|--------------------|---|---|
| | | | | abandoned the application, the case is relevant as it shows that there is a lag in giving notices to the applicants even when the opposition has been filed before the FER is issued. |
| 5. | H. Lundbeck A/S | 7699/CHENP/2011 | Liquid Formulations of Salts of 1-[2-(2,4-Dimethylphenylsulfanyl)phenyl] piperazine | The application was filed in October 2011. The opposition was filed in April 2013. However, the notice of the representation was only given to the applicant in August 2017, along with the FER. Therefore, a 4-year delay was seen in giving notice to the applicant of the opposition. The application was finally refused under Section 25 of the Act. |
| 6. | Indian Council of Agricultural Research (ICAR) | 2964/DEL/2010 | Novel Naphthyridine based Hydrazine as Potent Agrochemicals | The application was filed in December 2010, and an opposition to the same was made in February 2014. The notice of the opposition was only given to the applicant a little over 5 years later in August 2019. While the applicant replied within the 3 months prescribed period, the opponent informed the Controller that it is no longer interested in pursuing the opposition. In a final hearing held in October 2020, the patent was granted. |
| 7. | Laila Nutraceuticals | 1267/CHE/2009 | Anti-adipocyte Fatty Acid-Binding Protein(AP2), Anti-Flap and Anti-cyst1 Receptor Herbal Compositions | The application was filed in June 2009, and an opposition to it was filed in August 2012. However, the notice of the same was given to the applicant in February 2018, along with the FER, with a delay of 5 and a half years . The application is currently pending. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|--------------------|--|--|
| 8. | Vertex Pharmaceuticals Inc. | 2487/KOLNP/2012 | Solid Forms of N-[2,4-BIS(1,1-Dimethylethyl)-5-Hydroxyphenyl]-1,4-Dihydro-4-Oxoquinoline-3-Carboxamide | The application was filed in September 2012. An opposition to the same was filed in June 2013. However, the notice of the opposition was given to the applicant 4 years and 5 months later in November 2017. The application is currently pending. |
| 9. | Starbucks Corporation, D/B/A Starbucks Coffee Company | 4706/KOLNP/2010 | Beverages with Enhanced Flavours and Aromas and Method of Making Same | The application was filed in December 2010. An opposition to the same was filed in February 2019. The notice of the same was given to the applicant in August 2020, i.e. 1 year and 6 months after the opposition was filed. The application is currently pending in hearing. |
| 10. | Novartis AG | 7155/DELNP/2009 | Use of S1P Receptor Modulator | The application was filed in November 2009. An opposition for the said matter was filed in January 2011. The notice of opposition was given to the applicant in August 2019, more than 8 years later. The Patent was finally refused under Section 15 of the Act, as the applicant did not file reply statement to the opposition notice. |
| 11. | Pfizer Products Inc. | 4032/DELNP/2009 | Succinate Salt Of 2-((4-(1-Methyl-4-(Pyridin-4-Yl)-1h-Pyrazol-3-Yl) Phenoxy) Methyl) Quinoline | The application was filed in June 2009. An opposition to the same was filed in July 2010. While the FER was given in June 2014, the notice of the opposition was given to the applicant in July 2014 i.e., 4 years after the opposition was filed. The application was finally refused under Section 15 of the Act. |
| 12. | Gilead Sciences Inc. | 10487/DELNP/2008 | Modulators of Pharmacokinetic Properties of Therapeutics | The application was filed in December 2008 and 2 oppositions were filed in the matter. The first opposition was filed by Cipla Ltd. In February 2013, and a notice of the same was given to |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|---------------------|--|---|
| | | | | the applicant 1 year later in April 2014. The second opposition was filed by UP Welfare for People Living with HIV/AIDS Society in November 2015. This was notified to the applicant 2 years later in November 2017. The patent was granted in February 2020. |
| 13. | Astrazeneca AB | 5907/ DELNP/2005 | An Oral Pharmaceutical Composition | The application was filed in December 2005. An opposition was filed in October 2010. A notice was issued to the applicant regarding the opposition in September 2017 i.e., 7 years after the opposition was filed. The applicant did not reply to the notice, nor attended the hearing on the scheduled date. The application was refused under Section 15 of the Act in January 2018. |
| 14. | Pfizer Ireland Pharmaceuticals | 2315/DELNP/2007 | Production of Polypeptides | The application was filed in March 2007. 2 oppositions were filed in this matter. The first opponent, Biocon Ltd., had filed the pre-grant opposition in March 2010. The notice for this opposition was served to the applicant in December 2012 i.e., more than 2 years later . The patent was granted in November 2016. |
| 15. | Bristol-Myers Squibb Holdings Ireland | 3372/CHENP/2012 | Combinations of a Specific HCV NS5A Inhibitor and an HCV NS3 Protease Inhibitor | The application was filed in April 2012. An opposition was filed in the matter in May 2015, which was served to the applicant in December 2017, along with FER. There was a 2 year and 7 month delay in giving notice of opposition to the applicant. The patent was refused under Section 15 of the Act in August 2019. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--------------------------|--------------------|---|---|
| 16. | Monsanto Technology LLC. | 1637/DELNP/2009 | Methods and Compositions for Improving Plant Health | The application was filed in March 2009. An opposition was filed in February 2014, while the notice of the same was served onto the applicant after a delay of 2 years in December 2016. The application was finally refused in July 2018. |
| 17. | Basilea Pharmaceutica AG | 7192/CHENP/2010 | Solid DMSO Solvate of Compound of Formula (I) and Process for the Manufacture of the Same | The application was filed in November 2010. An opposition in the matter was filed in February 2011. The notice of the opposition was served to the applicant along with the FER in February 2017 i.e., 6 years after the opposition was filed. The patent was granted in July 2020. |
| 18. | Rottapharm Biotech SRL | 9978/CHENP/2011 | Crystalline Forms of 6-(1Himidazol-1-YI)-2-Phenyl-quinazoline | The application was filed in December 2011 and an opposition was filed in July 2013. The notice of opposition was served to the applicant in June 2017 along with the FER, which marks a delay of 4 years . The patent was refused in July 2020. |
| 19. | FMC Corporation | 6920/DELNP/2008 | Stable Mixtures of Micro-encapsulated and Non-Encapsulated Pesticides | The application was filed in August 2008. 3 pre-grant oppositions were filed in this matter. The first opposition was filed by Punjab Chemicals and Crop Protection Ltd., in December 2014. The notice of this opposition was served to the applicant in November 2017, after a 3-year delay . The patent was refused under Section 25(1) of the Act in July 2020. |
| 20. | Sangamo Biosciences, Inc | 3837/DELNP/2011 | Methods and Compositions for Inactivating Glutamine Synthetase Gene Expression | The application was filed in May 2011 and an opposition was filed in June 2013. The notice of the opposition was given to the applicant in August 2017, i.e., 4 years after the opposition was filed. The patent was granted in June 2020. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--|--------------------|--|--|
| 21. | MJN U.S. Holdings LLC | 7957/DELNP/2010 | Nutritional Compositions Containing Punicalagins | The application was filed in November 2010 and an opposition was filed in August 2012. The notice of opposition was served to the applicant in May 2017 along with the FER. This led to a delay of almost 5 years in this matter. The application was refused in March 2020. |
| 22. | Grasim Industries Limited | 2498/MUM/2011 | A Process for Manufacturing a Composite Fertilizer | The application was filed in September 2011 and an opposition was filed in February 2014. The notice was served in May 2019 which marks 5 years of delay. The patent was granted in March 2020. |
| 23. | Astellas Deutschland GmbH | 3862/CHENP/2011 | Oral Dosage Forms of Bendamustine | The application was filed in June 2011 and the opposition was filed in October 2012. The notice of the opposition was given to the applicant in March 2018, which marks a delay of almost 6 years . The patent was granted in March 2020. |
| 24. | Kao Corporation | 5628/DELNP/2009 | Two-part Hair Dye or Bleach Composition | The application was filed in August 2009 and the opposition was filed in June 2011. Even though the FER was issued in November 2014, the notice of the opposition was only given to the applicant in July 2017. Therefore, there was a delay of 6 years . The patent was granted in January 2020. |
| 25. | Bio Agens Research and Development – Bard, S.R.O | 1300/KOLNP/2012 | Antifungal Mixture with Fungal Organism Pythium Oligandrum | The application was filed in May 2012 and an opposition was filed in March 2013. The notice of the opposition was given to the applicant in July 2017, which marks a delay of 4 years . The patent was granted in February 2020. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|-------------------------------|--------------------|---|--|
| 26. | Janssen Sciences | 288/MUMNP/2010 | A process for preparing polymorph I of (E) 4-[[4-[[4-(2-cyanoethenyl)-2,6-dimethylphenyl]amino]-2-pyrimidinyl]amino] benzonitrile | The application was filed in February 2010 and 2 pre-grant oppositions were filed in the matter. Indian Pharmaceutical Alliance filed an opposition in November 2010 and Cipla Ltd. filed in October 2011. The applicant was notified of these oppositions in February 2014, thereby creating a delay of 3 years and 3 months for the first opposition and 2 years and 4 months for the second opposition. The patent was granted in February 2020, 10 years after it was filed. |
| 27. | Sterling Agro Industries Ltd. | 1156/DEL/2009 | A Process for Production of Low Cholesterol Ghee | The application was filed in June 2009. An opposition was filed in September 2012, the notice of which was given to the applicant after 1 years 6 months later, in March 2014. The patent was refused in May 2018. |
| 28. | Salix Pharmaceuticals Ltd. | 6001/CHENP/2010 | Forms of Rifaximin and uses thereof | The application was filed in September 2010. A pre-grant opposition was filed in July 2012. The applicant was notified of the opposition in March 2017, i.e., almost 5 years after the opposition was filed. The application was refused in May 2018. |
| 29. | Novo Nordisk A/S | 2940/DELNP/2007 | Injection Device with Torsion Spring & Rotatable Display | The application was filed in April 2007, and an opposition was filed in February 2011. The notice of the same was given to the applicant in November 2014, thereby causing a delay of 3 years and 9 months . The patent was granted in July 2018. |
| 30. | Rupak Enterprises (P) Ltd. | 1352/MUM/2013 | Herbal Compositions for Management | The application was filed in April 2013. An opposition was filed in November 2014. The applicant was notified of the. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|----------------------|--|--|
| | | | and Treatment of Joint & Muscle Pain in Vertebrates | opposition in the First Examination Report in September 2017, thereby after a delay of almost 3.5 years . The patent was refused in September 2018 |
| 31. | Scinopharm Taiwan, Ltd. | 7499/ CHENP/2009 | Crystalline Polymorph of 7-Ethyl-10-Hydroxy-camptothecin | The application was filed in December 2009 and an opposition was filed in the matter in April 2013. The notice of the opposition was served to the applicant in February 2017, causing almost a 4-year delay in the matter. The application was refused in June 2018. |
| 32. | 1. Monsanto Technology LLC 2. Board of Regents of the University of Nebraska | 10578/ DELNP/2008 | Modified Dicamba Monooxygenase Enzymes Capable of Conferring Tolerance to the Herbicide Dicamba in Transgenic Plants | The application was filed in December 2008. A pre-grant opposition was filed in the matter in February 2017. The notice of the opposition was given to the applicant almost a year later in January 2018. The patent was finally granted in September 2018. |
| 33. | Hartington Business SL | 10157/ DELNP/2008 | A Process for Obtaining an Isolated Stable Juglone Extract of Walnuts | The application was filed in December 2008. A pre-grant opposition in the matter was filed in June 2012. Subsequently, the applicant was notified of the opposition in August 2016, i.e., 4 years after the opposition was filed. The patent was granted in September 2018. |
| 34. | Subhash Chander Sehgal | 2645/DEL/2005 | Erbo-Mineral Compound Formulations for the Management of Maternity Onset Diabetes Mellitus | The application was filed in October 2005. A representation of pre-grant opposition was filed against the application in June 2012. Interestingly, even though the First Examination Report was issued in October 2013, it made no mention of the said opposition. Subsequently, the notice of |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|----------------------|---|--|
| | | | | the opposition was only given to the applicant in September 2017, thereby creating a delay of over 5-years in the matter. The patent is currently in order for a grant under Section 43 and is awaiting NBA approval. |
| 35. | Almirall SA | 10018/ DELNP/2008 | Process for Manufacturing 3(R)-(2-Hydroxy-2,2-Dithien-2-Ylacetoxo)-1-(3-Phenoxypropyl)-1-Azoniabicyclo [2.2.2]Octane Bromide | The application was filed in December 2008. An opposition was filed in the matter in September 2011. While the First Examination Report was issued in May 2013, the notice of the opposition was given to the applicant much later in July 2014. Therefore, there was a delay of almost 3 years at this stage of the process. The patent was finally granted in October 2018. |
| 36. | 1. Concept Medical Research Private Limited 2. Envision Scientific Private Limited | 177/MUM/2010 | Drug-Eluting Insertable Medical Device for Treating Acute Myocardial Infarction, Thrombus Containing Lesions and Saphenous-Vein Graft Lesions | The application was filed in January 2010. An opposition was filed in June 2014. The notice of the said opposition was given to the applicant in September 2016, thereby after a delay of 2 years and 3 months . The application was rejected in April 2018. |
| 37. | Apex Laboratories Pvt. Ltd. | 960/MUM/2009 | A Novel Cream and a Process to Manufacture the Same | The application was filed in April 2009 and an opposition was filed in the matter in July 2014. The notice of the opposition was given to the applicant along with the First Examination Report in December 2017. Therefore, there was a delay of 3 years and 5 months at this stage. The patent was granted in October 2018. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---------------------------------|--------------------|---|---|
| 38. | Glaxosmithkline LLC | 3735/DELNP/2012 | Benzodiazepine Bromdomain Inhibitor | The application was filed in April 2012, and the opposition was filed in February 2016. The notice of opposition was given to the applicant along with the First Examination Report in August 2017, thereby causing a delay of 1 year and 6 months . The patent was granted in September 2018. |
| 39. | Chiesi Farmaceutici SPA | 779/KOLNP/2012 | Pressurised Metered Dose Inhaler Comprising Formoterol and Beclometasone Dipropionate | The application was filed in March 2012. An opposition in the matter was filed in February 2014, and the notice of the same was given to the applicant along with the First Examination Report in April 2017. Therefore, there was a delay of over 3 years at this stage of the application. The patent was granted in October 2018. |
| 40. | Seattle Genetics, Inc. | 2111/DELNP/2006 | Antibody-Drug Conjugates and Intermediates | The application was filed in April 2006 and an opposition was filed in December 2014. The notice of the opposition was given to the applicant in November 2016, thereby causing almost a 2-year delay in the matter. The patent was granted in December 2018. |
| 41. | Crystal Crop Protection Limited | 1440/DEL/2011 | A Broad Spectrum Insecticidal Composition for Agricultural Crops | The application was filed in May 2011 and an opposition was filed in November 2014. The applicant was notified of the same along with the First Examination Report in August 2017. Therefore, there was a delay of almost 3 years in this case. In October 2018, the patent was granted. |
| 42. | Dabur India Limited | 2226/DEL/2010 | Flavoured Ayurvedic Formulation and Process Thereof | The application was filed in September 2010. An opposition in the case was filed in August 2016. The FER was issued in July 2017; however, the |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|--------------------|---|--|
| | | | | applicant was not informed of the opposition in the same. The notice of the opposition was only issued to the applicant in July 2018, i.e., almost 2 years after the opposition was filed. The application was refused in December 2018. |
| 43. | The Energy and Resources Institute (TERI) | 277/DEL/2008 | Novel Biopesticide Compositions and Method for Isolation and Characterization of Same | The application was filed in January 2008. An opposition in the matter was filed in November 2011. The notice of the same was given to the applicant along with the FER in December 2016, thereby causing a 2-year delay in the matter. The application was refused in December 2018. |
| 44. | Ironwood Pharmaceuticals, Inc. | 7112/DELNP/2009 | Methods and Compositions for the Treatment of Gastrointestinal Disorders | The application was filed in November 2009. An opposition was filed in May 2015 and the notice of the same was given to the applicant in January 2018. Therefore, there was a delay of 2 years and 8 months in the matter. The application was refused in December 2018. |
| 45. | Laila Nutraceuticals | 224/CHE/2009 | Composition from Sphaeranthus Indicus and Garcinia Mangostana for the Control of Metabolic Syndrome | The application was filed in February 2009. An opposition was filed in January 2014, and the notice of the same was given in October 2017, along with the FER. Therefore, there was a delay of 3 years and 9 months . The application was granted in August 2022. |
| 46. | Akzo Nobel Chemicals International BV | 2811/MUMNP/2010 | Surfactant Blends Useful in Agriculture | The application was filed in December 2010 and an opposition in the matter was filed in February 2014. The notice of the opposition was given to the applicant in February 2016, thereby causing a 2-year delay in the matter. The application was refused in April 2019. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|-----------------------|--------------------|--|--|
| 47. | Grunenthal GmbH | 1802/KOLNP/2011 | Novel and Potent Tapentadol Doage Forms | The application was filed in May 2011 and an opposition was filed in January 2013. The notice of the same was given to the applicant after a delay of 4 years and 6 months , in July 2017. The opposition was subsequently withdrawn, and a patent was granted in May 2018. |
| 48. | Gharda Chemicals Ltd. | 329/MUM/2013 | A Process for the Preparation of 4,6-Dimethoxy-2-(Methylsulfonyl) Pyrimidine | The application was filed in February 2013. A pre-grant opposition was filed against the application in October 2015. The notice of the opposition was given to the applicant along with the FER in January 2019, thereby causing a delay of 3 years and 3 months . The patent was granted in October 2019. |
| 49. | Glaxo Group Ltd. | 2260/KOLNP/2008 | Manifold for Use in Medicament Dispenser | The application was filed in June 2008 and an opposition was filed in the matter in May 2014. The notice of the opposition was given to the applicant in December 2018, thereby marking a delay of over 4-and-a-half years . The patent was finally granted in July 2019. |
| 50. | Indena S.P.A. | 3656/KOLNP/2008 | Phospholipid Complexes of Curcumin Having Improved Bioavailability | The application was filed in September 2008. An opposition in the matter was filed in May 2012. While the FER was issued in June 2016, the notice of the opposition was not given to the applicant until May 2017. There was a 5-year delay at this stage. The application was refused in May 2019. |
| 51. | Gharda Chemicals Ltd. | 465/MUM/2013 | A Process for the Preparation of Bispyribac Sodium | The application was filed in February 2013. An opposition was filed in October 2015. The notice of the opposition was given to the applicant along with the FER in January 2019. Therefore, there was a delay of 3 years and 3 months in this case. The patent was granted in June 2019. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--|--------------------|---|--|
| 52. | Vivus, Inc. | 6897/CHENP/2010 | A Pharmaceutical Composition for effecting weight loss and treating obesity | The application was filed in October 2010. An opposition was filed in November 2012. The applicant was notified of the opposition in May 2018, i.e., marking a delay of 5 years and 6 months in the matter. The patent was granted in June 2019. |
| 53. | Serum Institute of India Private Limited | 2365/MUM/2008 | Stable, Dried Rotavirus Vaccine, Compositions and Process for Preparation Thereof | The application was filed in November 2008 and an opposition was filed in August 2016. The applicant was notified of the opposition in March 2017, 7 months after the opposition was filed. The application was refused in March 2018. |
| 54. | Laxmi Organic Industries Ltd. | 2926/MUM/2012 | A Method and apparatus for continuous manufacturing of Acephate | The application was filed in October 2012 and an opposition was filed in August 2015. The applicant was notified of the opposition along with the FER in November 2017, thereby causing a delay of over 2 years . The application was abandoned by the applicant and was refused in April 2018. |
| 55. | Centrient Pharmaceuticals Netherlands B.V. | 4257/DELNP/2011 | Mutant Penicillin G Acylases | The application was filed in June 2011. An opposition was filed in September 2013 and was notified to the applicant in November 2017. Therefore, there was a delay of over 4 years at this stage. The patent was granted in August 2019. |
| 56. | Shah Deepak Pranjivandas | 252/MUM/2011 | A Pesticidal Composition | The application was filed in January 2011. 2 pre-grant oppositions were filed in the instant matter. The opposition by Ashish Thapar was filed in November 2013. It was notified to the applicant in March 2015, along with the FER. Therefore, for this opposition, there was a delay of 1 year and 4 months . The application was granted in August 2019. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--|---------------------|--|--|
| 57. | Shah Deepak Pranjivandas | 253/MUM/2011 | A Novel Pesticidal Composition | The application was filed in January 2011. An opposition was filed in the matter by Ashish Thapar in October 2013, and the notice of the same was given to the applicant along with the FER in March 2016, after a delay of 2 years and 5 months . The patent was granted in March 2018. |
| 58. | Ampio Pharmaceuticals, Inc. | 5193/DELNP/2009 | Treatment of Comorbid Premature Ejaculation and Erectile Dysfunction | The application was filed in August 2009 and an opposition was filed in the matter in March 2012. The notice of the opposition was given to the applicant in March 2017, after a delay of 5 years . It is important to note that the notice was not given to the applicant along with the FER which was issued in October 2014. The application was refused in March 2018, as the applicant did not attend the hearing. |
| 59. | 1. Excel Crop Care Limited 2. C C Shroff Research Institute | 840/MUM/2008 | Improved Fungicidal Formulation Suitable for Organic Agriculture | The application was filed in April 2008 and an opposition was filed in May 2011. The notice of the opposition was given in July 2012, i.e., 1 year and 2 months after the opposition was filed. The patent was granted in March 2018. |
| 60. | Richter Gedeon NYRT | 4256/ KOLNP/2009 | A Process for the Preparation of Novel Piperazine Salts as D3/D2 Antagonists | The application was filed in December 2009 and the opposition in the matter was filed in October 2010. The notice of the opposition was given to the applicant along with the FER in February 2015. Therefore, there was a delay of 4 years and 4 months in the case. The patent was granted in February 2018. |
| 61. | e-Therapeutics PLC | 787/DELNP/2010 | Treatment of Melanoma | The application was filed in February 2010, and an opposition was filed in |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---------------------------------------|---------------------|---|---|
| | | | | January 2011. The notice of opposition was given in September 2015, thereby causing a delay of 4 years and 8 months . The application was refused in December 2017. |
| 62. | Cambrex Karlskoga AB | 1732/MUMNP/2012 | New Processes for Producing Benzophenone Derivatives | The application was filed in July 2012 and an opposition was filed in May 2016. The notice of the opposition was given to the applicant in March 2018, almost 2 years after the opposition was filed. The patent was granted in August 2019. |
| 63. | Alfa Wassermann SPA | 1865/DEL/2005 | New Polymorphous Forms of Rifaximin, Processes for their Production and Use Thereof in the Medicinal Preparations | The application was filed in July 2007 and an opposition was filed in the matter in October 2013. The First Examination Report was issued in February 2014, however, the notice of the opposition was only served upon the applicant in February 2016. Therefore, there was a delay of 3 years and 3 months in serving the notice of opposition. The patent was granted in March 2017. |
| 64. | Gokaraju Ganga Raju | 6756/ CHENP/2009 | Novel Application of Aphanamixis Polystachya Extracts or Fractions against 5-Lipoxygenase Mediated Diseases | The application was filed in November 2009. A pre-grant opposition in the matter was filed in August 2012, and the notice of the same was issued in December 2014, i.e., after a delay of 2 years and 4 months . The patent was granted in June 2017, subject to NBA approval. |
| 65. | Regeneron Pharmaceuticals, Inc. | 9708/ DELNP/2008 | VEGF Antagonist Formulations Suitable for Intravitreal Administration | The application was filed in November 2008, and a pre-grant opposition was filed in December 2015. The notice of the same was given to the applicant in January 2017, thereby causing a delay |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--------------------------------|--------------------|---|---|
| | | | | of a year in the matter. The opponent withdrew the opposition as soon as the hearing notice was issued, and the patent was granted in October 2017. |
| 66. | Daiichi Sankyo Company Limited | 2301/MUMNP/2011 | Method for Producing Olmesartan Medoxomil | The application was filed in November 2011. An opposition in the matter was filed in September 2015, and the notice of the same was given to the applicant in December 2016. Therefore, there was a delay of 1 year and 3 months at this stage. The application is currently pending in hearing. |
| 67. | Les Laboratoires Servier | 2960/DEL/2010 | Crystalline II Form of Agomelatine of Formula | The application was filed in December 2010, and an opposition was filed in February 2014. The notice of the opposition was given to the applicant in March 2015, i.e., after a delay of 1 year and 1 month . The patent was granted in September 2017. |
| 68. | Indena SPA | 497/KOLNP/2009 | Compositions for the Treatment of Chronic Degenerative Inflammatory Conditions | The application was filed in February 2009, and an opposition was filed in October 2012. The notice of the same was given to the applicant in March 2014, causing a delay of 1 year and 5 months . The application was finally refused in August 2017. |
| 69. | Dr. Manohar P. Shinhasan | 2080/CHE/2011 | Process For Preparation of a Plant Based Antiviral Composition for the Treatment of HIV And HIV Related Acquired Immuno-Deficiency Syndrome | The application was filed in June 2011. A pre-grant opposition in the matter was filed in January 2012, the notice of which was given to the applicant in April 2015. Therefore, there was a significant delay of 3 years and 3 months . The patent was granted in July 2017. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--------------------------------------|--------------------|--|---|
| 70. | F. Hoffmann-La Roche AG | 961/CHENP/2012 | Subcutaneous Anti-Her2 Antibody Formulation | The application was filed in January 2012, and a pre-grant opposition in the matter was filed in January 2015. The notice of the opposition was served to the applicant in February 2016, even though an FER was issued in May 2015. Therefore, a delay of over 1 year was caused in the case at this stage. The application was refused in July 2017. |
| 71. | Mitsubishi Tanabe Pharma Corporation | 3871/CHENP/2009 | Crystalline Form of 1-(B-D-Glucopyranosyl)-4-Methyl-3-[5-(4-Fluorophenyl)-2-Thienylmethyl] Benzene Hemihydrate | The application was filed in July 2009. In this matter, pre-grant oppositions were filed by Ranbaxy Laboratories Pvt. Ltd. in May 2013, and by Indian Pharmaceutical Alliance in September 2013. The notice of the oppositions was given to the applicant in May 2014, i.e., causing a delay of 1 year in the first opposition and 8 months in the second opposition. The patent was granted in August 2017. |
| 72. | Meda AB | 2539/KOLNP/2010 | Treatment of Colon Diseases or Prevention of Colorectal Carcinoma with Imidazoquinoline Derivatives | The application was filed in July 2010. In this matter, a pre-grant opposition was filed in March 2011. The notice of the same was given to the applicant in September 2015, i.e., after a delay of 4.5 years . The application was refused in October 2016. |
| 73. | Indena S.P.A. | 372/KOLNP/2009 | Treatment and Prevention Mucositis by Anthocyanidin Derivatives | The application was filed in January 2009 and the opposition in the matter was filed in December 2012. The applicant was notified of the same in March 2014, thereby causing a delay of 1 year and 3 months . The application was refused in July 2016. |
| 74. | Aisapack Holding S.A. | 3450/CHENP/2007 | Oval Cross-Section Tube, Method for the | The application was filed in August 2007 and an opposition was filed in January 2009. The notice of the |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|--------------------|---|---|
| | | | Production and Device for the Use Thereof | opposition was given after a period of 4 years and 8 months , in September 2013. The patent was granted in June 2016. |
| 75. | 1. Dr. Shakir Ali, 2. Dr. Jafar Salamat Khan, 3. Dr. Malik Zainul Abdin, 4. Mr. Hamid Nawaz Khan | 833/DEL/2007 | An Edible Vegetable Oil Blen of Mustard and Rice Bran Effective Against Cardiovascular Diseases | The application was filed in April 2007, and an opposition was filed October 2012. The notice of the opposition was given to the applicant in October 2013, i.e., a delay of 1 year was seen at this stage. The application was refused in June 2016. |
| 76. | Island Laboratories Inc. | 2132/MUMNP/2007 | System and Method for Promoting Hair Growth and Improving Hair and Scalp Health | The application was filed in December 2007 and the opposition was filed in September 2012. The notice of the same was given to the applicant in January 2014, along with the First Information Report. Thereby, a delay of 1 year and 3 months was seen. The application was refused in May 2016. |
| 77. | Vecta, Ltd. | 3642/KOLNP/2007 | Compositions and Methods for Inhibiting Gastric Acid Secretion | The application was filed in September 2007. 2 pre-grant oppositions were filed in the instant matter, in July 2010 and August 2010. The notice for both was given to the applicant in November 2012, thereby creating a delay of 2 years and 4 months in the first opposition and of 2 years and 3 months in the second opposition. The application was finally abandoned. |
| 78. | 1. Nandepu Venkateswara Rao 2. Bathina Satyanarayana | 462/CHE/2010 | Process for Preparing Prazole Precursors | The application was filed in February 2010, and an opposition was filed in March 2016. The notice of the same was given to the applicant in October 2017. Therefore, there was a delay in the matter at this stage of 1 year and 7 months . The application was rejected in March 2018. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---------------------------|-----------------------------|--|--|
| 79. | Vecta Ltd. | 2645/ MUMNP/2008 | Compositions and Methods for Inhibiting Gastric Acid Secretion Using Derivatives of Small Dicarboxylic Acids in Combination With PPI | The application was filed in December 2008, and an opposition was filed in June 2010. The notice of the opposition was given to the applicant in August 2012, over 2 years after the opposition was filed. The application was refused in March 2016. |
| 80. | Bayer Schering Pharma AG | 7710/ DELNP/2006 | Treatment of B-Cell Lymphoma | The application was filed in December 2006, and an opposition in the matter was filed in April 2013. The notice of the said opposition was given to the applicant in September 2015, thereby causing a delay of 2 years 5 months . The application was finally abandoned by the applicant. |
| 81. | Abbvie Biotechnology Ltd. | 355/DELNP/2010 | Multiple-Variable Dose Regimen for Treating TNFX Related Disorders | The application was filed in January 2010 and an opposition in the matter was filed in October 2014. The notice of the opposition was given to the applicant in December 2015, i.e., more than a year later. The application was abandoned subsequently. |
| 82. | Eli Lilly & Company | IN/ PCT/2002/845/ KOL | A Novel Crystalline Form of N-[4-[2-(2-Amino-4,7-Dihydro-4-Oxo-3h-Pyrrolo[2,3-D] Pyrimidin-5-Yl) Ethyl]Benzoyl]-L-Glutamic Acid and Process therefor | The application was filed in June 2002, and 3 pre-grant oppositions were filed in the matter in May 2007, January 2009, and in December 2009, respectively. The notice for all the oppositions was given in January 2014, after repetitive reminders from the opponents. Therefore, there was delay of <ul style="list-style-type: none"> • 6 years and 7 months for the first opposition • 5 years for the second opposition • 4 years and 1 month for the third opposition |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|--------------------|---|---|
| | | | | The applicant ultimately did not pursue the application and it was refused in July 2015. |
| 83. | Senju Pharmaceutical Co. Ltd. | 871/KOLNP/2006 | Ophthalmic Composition for Contact lens | The application was filed in April 2006 and an opposition was filed in January 2014. The notice of the same was given to the applicant in August 2014, i.e., 7 months later . The applicant subsequently abandoned the application. |
| 84. | Eisai R&D Management Co. Ltd. | 4766/CHENP/2009 | Crystal, Amorphous Form and Salt of Methyl N-[3-(6,7-Dimethoxy-2-Methyl-aminoquinazolin-4-YL)Phenyl] Terephthalamic Acid" | The application was filed in August 2009, and an opposition was filed in the matter in November 2010. The notice of the opposition was given to the applicant along with the First Examination report issued in October 2015. Therefore, there was a delay of 5 years in the instant matter at this stage. The applicant notified in January 2016 that it is abandoning the application. |
| 85. | Ziopharm Oncology, Inc. | 3867/KOLNP/2009 | Salts of Isophosphoramidate Mustard and Analogs Thereof | The application was filed in November 2009 and an opposition was filed in October 2010. The notice of the opposition was given in February 2015, thereby causing a delay of 4 years and 4 months at this stage. The application was refused in October 2015. |
| 86. | Boehringer Ingelheim International GmbH | 4724/DELNP/2009 | Extended Release Formulation of Nevirapine | The application was filed in July 2009 and an opposition was filed in November 2012. Even though the First Examination Report was issued in January 2014, the notice of the opposition was only given to the applicant in March 2015. Therefore, there was a delay of 2 years and 5 months at this stage. The applicant did not file a reply and the application was subsequently abandoned. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|-----------------------|--------------------|---|--|
| 87. | Corthera Inc. | 7733/DELNP/2010 | Method of Preventing Premature Delivery | The application was filed in November 2010 and an opposition was filed in October 2013. The notice of the opposition was given in November 2015, thereby causing a delay of 2 years . Subsequently, the application was deemed as abandoned as the applicant did not file a reply to the FER. |
| 88. | Rajkumar Arora | 2499/DEL/2013 | A Process for Preparation of a Dental Health Composition | The application was filed in August 2013 and the opposition was filed in September 2014. The notice of the opposition was given to the applicant in December 2015, i.e., 1 year and 3 months after the opposition was filed. The patent was granted in August 2016. |
| 89. | Novartis AG | 2489/DELNP/2013 | Pharmaceutical Compositions Containing a DGAT1 Inhibitor | The application was filed in February 2013 and an opposition in the matter was filed in April 2015. The notice of the opposition was given to the applicant in February 2018, along with the First Examination Report. This caused a delay of close to 3 years in the matter. However, the application was ultimately deemed as abandoned under Section 21(1) of the Act. |
| 90. | Gilead Pharmasset LLC | 4972/KOLNP/2011 | N-[(2'R) -2' Deoxy-2'-Fluoro-2'-Methyl-P-Phenyl-5'-Uridylyl] -L-Alanine 1-Methylethyl Ester and Process for its Production | The application was filed in December 2011, and the opposition was filed in March 2015. The notice of opposition was given to the applicant in August 2017, thereby creating a delay of 2 years and 5 months . The opposition was subsequently withdrawn in May 2020 and the patent was granted in September 2020. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|------------------------|--------------------|---|--|
| 91. | Gilead Pharmasset LLC. | 6087/DELNP/2005 | A (2'R)-2'-Deoxy-2'Fluoro-2'-C-Methyl Nucleoside | The application was filed in December 2005. In this matter, 6 pre-grant oppositions were filed. Out of these, there was a delay in giving notice to the applicant in 2 matters, namely in the oppositions filed by Natco Pharma by IMAK and DNP, both in March 2014. The notice for these oppositions was given to the applicant in May 2015, thereby causing a delay of 1 year and 2 months in the matter. The Patent was granted in May 2016. |
| 92. | Rajkumar Arora | 3266/DEL/2013 | A process of preparing an edible packaged form packed in a film | The application was filed in November 2013. The opposition was filed in June 2014 and the notice of the opposition was served to the applicant in December 2015. Therefore, there was a delay of 1.5 years at this stage. The patent was granted in February 2020. |
| 93. | Indena S.P.A. | 4108/KOLNP/2008 | Phospholipid Complexes of Olive Fruits or Leaves Extracts Having Improved Bioavailability | The application was filed in October 2008 and the opposition in the matter was filed in May 2012. The applicant was notified of the same in September 2016, with the First Examination Report. Therefore, there was a delay of 4 years and 4 months at this stage of the matter. The applicant later abandoned the application, which was thereby refused in February 2020. |
| 94. | Japan Tobacco Inc. | 640/CHENP/2012 | Nitrogen-Containing Spiro-Ring Compound and Medicinal Use of Same | The application was filed in July 2010, and an opposition in the matter was filed in September 2018, and the notice of the same was given to the applicant in July 2019, thereby causing a delay of 10 months in the matter. The patent was granted in July 2020. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|------------------------------|--------------------|--|--|
| 95. | Bristol-Myers Squibb Company | 2933/DELNP/2009 | Process for Preparing Atazavir Bisulfate and Novel Forms | The application was filed in May 2009, and the opposition was filed in November 2011. The notice of the same was given to the applicant along with the First Examination Report in October 2013. Therefore, there was a delay of almost 2 years at this stage. The application was eventually refused in May 2021. |
| 96. | Theracos Sub, LLC | 4041/KOLNP/2012 | Crystalline Form of Benzylbenzene SGLT2 Inhibitor | The application was filed in December 2012, and an opposition in the matter was filed in March 2019. The notice of the opposition was given to the applicant in December 2020, thereby causing a delay of 1 year and 9 months . The application was refused in July 2021. |
| 97. | Arlanxeo Deutschland GmbH | 10424/DELNP/2011 | Reactor and Method for Continuous Polymerization | The application was filed in December 2011, and an opposition in the matter was filed in March 2019. The applicant was notified of the same in September 2020, 1.5 years after the application was filed. The patent was granted in April 2021. |
| 98. | UPL Limited | 1720/MUM/2009 | Agrochemical Composition | The application was filed in July 2009, and 3 oppositions were filed in the matter. The first opposition was filed by Haryana Pesticides Manufacturing Association in September 2014, and the notice of the same was given to the applicant with the First Examination Report in November 2017. Therefore, there was a delay of 3 years and 2 months in the matter. The patent was granted in March 2022, 13 years after the application was filed. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|----------------------------|--------------------|---|--|
| 99. | Ozone Pharmaceuticals Ltd. | 1327/DEL/2006 | Pharmaceutical Compositions of Calcium Dobesilate | The application was filed in June 2006. The opposition was filed in July 2011 and notice of the same was given after the First Examination Report in July 2016. Therefore, there was a delay of 5 years at this stage. The patent was granted in March 2021. |
| 100. | Marozhukayil Joseph Jose | 1065/DEL/2009 | A Process for Preparation of a Composition useful for Treatment of Skin Diseases such as Fungal Skin Infection, Bacterial Skin Infections, Virus Infections like Eczema, Psoriasis, Scabies, Allergies etc. | The application was filed in May 2009, and an opposition to it was filed in December 2011. The notice of the opposition was given with the FER in April 2013, thereby causing a delay of 1 year and 4 months . The application was refused in October 2017, and a review petition in the matter was filed. The application was finally refused in March 2021. |
| 101. | GSP Crop Science Pvt. Ltd. | 2551/MUM/2015 | Formulated Pesticidal Composition of Anthranilamide Insecticide with Fungicides | The application was filed in July 2015. 2 oppositions in the matter were filed in July 2018 and August 2018 respectively. The notice of the same was given to the applicant along with the FER in June 2020, thereby creating a delay of almost 2 years . The patent was finally granted in 2021. |
| 102. | Kabadi, Nagraj N. | 4638/CHE/2012 | Process for Blending Tartrazine colour with Tea | The application was filed in November 2012, and an opposition was filed in March 2015. The applicant was notified of the same in July 2017. Therefore, there was a delay of 2 years and 4 months at this stage. The application was refused in March 2022, almost 10 years after the application was filed. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|------------------------------|--------------------|--|---|
| 103. | Idorsia Pharmaceuticals Ltd. | 1417/CHENP/2010 | 4- Pyrimidine-sulfamide Derivative | The application was filed in March 2010 and an opposition was filed in July 2015. The notice of the same was given to the applicant in February 2017. Therefore, there was a delay of 1 year and 7 months at this stage. The application is currently pending in hearing. |
| 104. | MSD Italia S.R.L., Italy | 4187/DELNP/2007 | Potassium Salt of an HIV Integrase Inhibitor | <p>The patent application was filed in June 2007 with an international filing date of December 2005. In this matter, 3 oppositions were filed in July 2011, August 2013, and in August 2018 respectively. The FER was issued in February 2014, however the notice of all the oppositions were given to the applicant in November 2019, thereby creating a delay of:</p> <ul style="list-style-type: none"> • 8 years and 4 months in the first opposition • 6 years and 3 months in the second opposition • 1 year and 3 months in the third opposition <p>The applicant abandoned the application by filing no reply to the oppositions, and the application was refused in August 2020.</p> |
| 105. | GSP Crop Science Pvt. Ltd. | 3947/MUM/2014 | Novel Formulation of Acephate and Profenofos | The application was filed in December 2014. An opposition in the matter was filed in September 2017. The notice of the opposition was given to the applicant along with the FER in February 2020, thereby creating a delay of 2 years and 5 months . The patent was granted in September 2020. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|-------------------------------|--------------------|--|---|
| 106. | Repros Therapeutics Inc. | 6675/CHENP/2010 | Progesterone Antagonists such as CDB-4124 in the Treatment of Breast Cancer | The application was filed in October 2010. An opposition in the matter was filed in October 2011. The FER was issued in May 2017, however the notice of opposition was given much later in September 2019. Therefore, there was a significant delay of almost 8 years in the instant case. The application was refused in September 2020, as the applicant lost interest. |
| 107. | Wyeth LLC | 3826/KOLNP/2007 | A method of Weak Partitioning Chromatography | The application was filed in October 2007, with an international filing date of March 2006. 2 oppositions, by Indian Pharmaceutical Alliance and Glenmark Pharmaceuticals were filed in July 2010 and April 2011 respectively. While the FER was filed in January 2013, the notice of the oppositions was given to the applicant in September 2019. Therefore, there was a delay of almost 9 years in the first opposition and 8.5 years in the second opposition . 13 years after the application was filed, it was granted in 2020 as the opponents abandoned their oppositions. |
| 108. | Ironwood Pharmaceuticals, Inc | 1135/KOLNP/2011 | Stable solid formulation of a GC-C receptor agonist polypeptide suitable for oral administration | The application was filed in March 2011, and an opposition was filed in February 2016. The notice of the same was given in March 2017, thereby causing a delay of almost 1 year . The patent was finally granted in November 2020. |
| 109. | Munisekhar Medasani | 1916/CHE/2009 | Natural Extract from Whole Banana Fruit (MUSA SPP.) | The application was filed in August 2009. An opposition in the matter was filed in September 2012. The notice of the opposition was given to the applicant along with the FER |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|-----------------------------------|--------------------|--|---|
| | | | | in November 2017, thereby causing a delay of 5 years and 2 months at this stage. The application was refused in February 2021. |
| 110. | Medac GmbH | 3079/CHENP/2012 | Process for Producing Crystalline 4-Epidaunorubicin Hydrochloride | The application was filed in April 2012, and an opposition in the matter was filed in July 2013. The notice of the opposition was served along with the FER in December 2017, thereby causing a delay of 4.5 years in the matter. The patent was granted in January 2021. |
| 111. | Glaxosmithkline Biologicals SA | 4849/KOLNP/2007 | Immunogenic Composition | The application was filed in December 2007, and an opposition was filed in the matter in May 2011. The notice of the opposition was given in February 2016, along with the FER. Therefore, there was a delay of 4 years and 10 months at this stage. The patent was granted in January 2020. |
| 112. | Dr. Abraham Ebenezer Muthunayagam | 3547/CHE/2010 | Process, System and Configuration for Integrated Ocean Energy-cum-Desalination System | The application was filed in November 2010, and an opposition was filed in September 2013. The notice of the opposition was given to the applicant in June 2018, along with the FER. Thereby, there was a delay of 4 years and 9 months at this stage. The application was refused in November 2019. |
| 113. | Bayer Intellectual Property GmbH | 2748/DELNP/2009 | Pesticide Composition Comprising Propamocarb-Hydrochloride and an Insecticide Active Substance | The application was filed in April 2009, and an opposition in the matter was filed in April 2015. The notice of the opposition was given to the applicant in July 2019. Therefore, there was a substantial delay of 4 years and 3 months in the matter. The application was refused in November 2019, as the applicant abandoned the same. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|-----------------------------|--------------------|---|---|
| 114. | Helsinn Healthcare S.A. | 1024/MUMNP/2005 | A Medicament Dose of Palonosetron for Treatment of Post Operative Nausea and Vomiting | <p>The application was filed in September 2005 and 2 pre-grant oppositions were filed in this matter. The opposition by GM Pharma Ltd, filed in February 2007, was notified to the applicant after a delay of 2 years and 9 months in November 2011.</p> <p>The opposition by Sun Pharmaceuticals Ltd., filed in June 2007, was notified to the applicant after 9 months in March 2008. The application was refused in June 2011. The applicant filed an appeal at the IPAB against the Controller's decision, however, the appeal was withdrawn in January 2020.</p> |
| 115. | L'Oreal | 2564/DEL/2007 | Photoprotective Cream based on a Fatty Acid | <p>The application was filed in December 2007, and the opposition in the matter was filed in September 2009. The applicant was notified of the opposition in December 2014, i.e., after a significant delay of 5 years and 3 months at this stage.</p> <p>The Controller granted the patent in September 2018; however opponent filed a writ petition at the Delhi High Court, alleging procedural irregularity as it was not notified of the hearings. Therefore, the High Court set aside the patent in May 2019. The case is currently under litigation.</p> |
| 116. | Tactical Therapeutics, Inc. | 3539/DELNP/2009 | Use of Carboxy-amidotriazole (CAI) Orotate in Macular Degeneration | <p>The application was filed in June 2009, and an opposition in the matter was filed in September 2010. Despite the FER being issued in July 2013, the notice of the opposition was given to the applicant only in December 2015. Therefore, a delay of over 5 years was caused at this stage. The applicant withdrew the application finally.</p> |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---------------------------------|--------------------|---|---|
| 117. | Senju Pharmaceutical Co. Ltd. | 8059/DELNP/2007 | Percutaneous Absorption Formulation | The application was filed in October 2007, and a pre-grant opposition was filed in January 2014. The applicant was notified of the same in January 2017 thereby causing a delay of 3 years at this stage in the matter. The application was refused in November 2019. |
| 118. | Genentech, Inc. | 5074/DELNP/2010 | Composition Comprising Antibody that Binds to Domain II of HER2 and Acidic Variants Thereof | The application was filed in July 2010, and a pre-grant opposition in the matter was filed in May 2017. The notice of the opposition was given in May 2018, thereby creating a delay of 1 year . The applicant withdrew the application. |
| 119. | Crystal Crop Protection Limited | 2507/DEL/2010 | Broad Spectrum Insecticidal Composition for Agricultural Crop | The application was filed in October 2010, and an opposition was filed in May 2017. The notice of the same was given to the applicant in February 2018, i.e., after a delay of 9 months . The patent was granted in December 2019. |
| 120. | Sanofi-Aventis Deutschland GmbH | 2423/CHENP/2011 | Drug Delivery Device & Method of Manufacturing a Drug Delivery Device | The application was filed in April 2011, with an international filing date of 2009. 2 pre-grant oppositions were filed by Mylan Labs in February 2019 and by Biocon Ltd. in April 2019. The notice of the oppositions was given to the applicant in April 2021, thereby causing a 2 years and 2 months delay for the 1st opposition and 2 years delay for the 2nd opposition . The application remains pending, 10 years after it was filed. |
| 121. | DIC Corporation | 5621/CHENP/2015 | Method for Producing Polyarylene Sulfide Resin and | The patent application was filed in September 2015, and 2 oppositions in the matter were filed by SK Chemicals in July 2019, and by Jyoti Bhandari in |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|--------------------|--|--|
| | | | Polyarylene Sulfide Resin Composition | December 2019. The notice of the oppositions was given to the applicant in July 2021, causing a delay of 2 years for the first opposition and of 1 year and 7 months for the second opposition. The applicant issued a letter in December 2021 that they are not pursuing the application further. |
| 122. | Bristol-Myers Squibb Holdings Ireland Unlimited Company | 854/DELNP/2010 | Process for Synthesizing Compounds Useful for Treating Hepatitis C | The patent application was filed in February 2010. 2 pre-grant oppositions were filed in the matter, by Dr. G Subramanyam and Dalbir Singh, in November 2015 and May 2016 respectively. While the notice of the first opposition was served efficiently within a month, the notice of the second opposition was served in October 2018, causing a delay of over 2-years . The patent was refused. |
| 123. | Sunesis Pharmaceutical Inc. | 2862/CHENP/2010 | Methods of Using (+)-1,4-Dihydro-7-[(3S,4S)-3-Methoxy-4-(Methylamino)-1-Pyrrolidinyl]-4-Oxo-1-(2-Thiazolyl)-1,8-Naphthyridine-3-Carboxylic Acid in Combination Therapy | The patent application was filed in May 2010. A pre-grant opposition in the matter was filed in April 2011. There is no mention of the opposition in the FER, which was issued in November 2016. The opposition is mentioned for the first time in the hearing notice issued by the patent office in September 2017. This can therefore be treated as a delay of over 6 years in the matter. The applicant subsequently abandoned the application, which was refused in January 2018. |
| 124. | Astellas Pharma Inc. | 3071/KOLNP/2008 | An α -Form Crystal of (R) -2-(2-Aminothiazol-4-yl)-4'-[2-[(2-Hydroxy- | The application was filed in July 2008 and 2 pre-grant oppositions were filed in this matter. The first pre-grant opposition was filed in December 2010, however, the notice of the same was given to the applicant along with |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|----------------------------|--------------------|--|---|
| | | | 2-Phenylethyl) Amino] Ethyl]-Acetanilide | the FER in January 2014, thereby causing a 3-year delay at this stage. The application was finally refused in August 2017. |
| 125. | Reata Pharmaceuticals Inc. | 3131/KOLNP/2011 | Delayed Release, Oral Dosage Compositions that Contain Amorphous CDDO-ME | The application was filed in July 2011, and an opposition in the matter was filed in March 2013. The notice of the opposition was served to the applicant in March 2016, i.e., after a delay of 3 years . The application was finally refused in March 2017. |
| 126. | Wyeth LLC | 8081/DELNP/2007 | Multivalent Pneumococcal Polysaccharide-Protein Conjugate Composition | The application was filed in October 2007. 2 oppositions in the matter were filed. The first opposition saw a delay at the stage of giving notice to the applicant. It was filed in August 2010, and the notice of the same was given to the applicant in June 2013, i.e., almost after 3 years . The patent was granted in August 2017. |

IV. DELAY IN ISSUING HEARING NOTICE

Section 25(1) provides that a hearing in the matter of a particular pre-grant opposition will only be held if either the said opponent or the applicant files a request for a hearing. If such a hearing is requested, the Controller must issue a hearing notice to both parties intimating them of the date, time, and venue of the hearing. While the language of the Act prescribes that a hearing is conducted only when the parties request it, this hearing is often held in opposition proceedings. It is an essential part of natural justice in a proceeding, allowing the parties to be heard in-depth on the most important issues. Issuing a hearing notice to the parties once there are grounds for opposition is an intrinsic part of natural justice, a premise which

was also noted in the Delhi High Court judgement of *Gilead Pharmasset LLC v. Union of India*.⁹⁴

Delays on part of the Controller in issuing a hearing notice were another concern that was observed. Since the Controller can either reject or grant a patent only after considering the representations along with submissions made during the requested hearing (as per Rule 55(6)), a delay in giving the hearing notice leads to a delay in the final decision in the matter.

94. 2015 (62) PTC 405 (Del).

Key Findings:

1. A delay at this stage was noted in almost one/ thirds of the cases analysed in this report.
2. Most applicants submit a hearing request along with their reply to the opposition. However, there is a delay on part of the Controller in issuing hearing notices.
3. Some of the most striking outliers we captured under this heading are listed below:
 - Application No. 2933/DELNP/2009: In this case, the applicant requested a hearing to be appointed in its reply to the opposition in January 2014. The hearing notice was issued in December 2019, almost six years after the hearing request was filed by the applicant. It is interesting to note that in the interim period, the opponent pursued the matter with several follow-up letters to the Controller, till 2016.
 - Application No. 10018/DELNP/2008: In this case, the applicant filed the reply to the opposition in 2014, whereas the hearing notice was issued almost 4 years later in 2018.
 - Application No. 7192/CHENP/2010: In this case, the opposition was filed in February 2011, and the notice of the same was served upon the Applicant with the FER, in February 2017, thereby causing a six years delay.
 - Application No. 3826/KOLNP/2007: Two

oppositions were filed against this application, in July 2010 and April 2011 respectively. It is interesting that while FER was issued in 2013, i.e., after the oppositions were filed, notice was not given until September 2019, thereby causing a delay of almost nine years in the first opposition and eight and half years in the second opposition. It is also interesting to note that these oppositions were ultimately abandoned, and the patent was granted.

- Application No. 9708/DELNP/2008: In this case, the Controller had efficiently issued the hearing notice. The reply was filed by the opponent in April 2017, and the hearing notice was issued within two months, i.e., in June 2017.

Recommendations:

1. One of the recommendations to deal with the delay at this stage is to institute a deadline of three months from the date the reply is filed by the Applicant. It is recommended that the Controller should issue a hearing notice within this period to expedite the opposition proceedings.

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|------------------------------|--------------------|--|--|
| 1. | Bristol-Myers Squibb Company | 2933/DELNP/2009 | Process for Preparing Atazavir Bisulfate and Novel Forms | The application was filed in May 2009, and the opposition was filed in November 2011. The notice of the same was given to the applicant along with the First Examination Report in October 2013. After the applicant filed its reply in January 2014, the opponent continued to pursue the matter and communicated to the Controller that a hearing notice must be issued till 2016. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|----------------------------|--------------------|---|--|
| | | | | The first hearing notice was finally issued in December 2019. Thereafter, the opponent notified that they did not wish to pursue the opposition. In this case, there was a delay of almost 6 years in giving hearing notice. The patent was refused under Section 15. |
| 2. | Ozone Pharmaceuticals Ltd. | 1327/DEL/2006 | Pharmaceutical Compositions of Calcium Dobesilate | The application was filed in June 2006. The opposition was filed in 2011, and notice of the same was given after the First Examination Report in July 2016. The applicant filed its reply within the prescribed 3 months period in October 2016. However, the first hearing notice was issued in February 2020, 3 years and 4 months later. The patent was granted in March 2021. |
| 3. | Marozhukayil Joseph Jose | 1065/DEL/2009 | A Process for Preparation of a Composition useful for Treatment of Skin Diseases such as Fungal Skin Infection, Bacterial Skin Infections, Virus Infections like Eczema, Psoriasis, Scabies, Allergies etc. | The application was filed in May 2009, and an opposition to it was filed in December 2011. The notice of the opposition was given with the FER in April 2013, and the applicant filed a reply in July 2013. The first hearing notice was given 4 years later in July 2017. The application was finally refused in October 2017. |
| 4. | H. Lundbeck A/S | 7699/CHENP/2011 | Liquid Formulations of Salts of 1-[2-(2,4-Dimethylphenylsulfanyl) phenyl] piperazine | The first delay in this case occurred at the stage of giving notice of the opposition to the applicant, where the notice was served 4 years after the representation was filed in August 2017. The applicant replied to the same in November 2017. At this stage, |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|--------------------|--|--|
| | | | | the second delay occurred. The Controller only issued the hearing notice in October 2019, almost 2 years after the reply. The application was subsequently refused under Section 25. |
| 5. | Idorsia Pharmaceuticals Ltd. | 1417/CHENP/2010 | 4- Pyrimidine-sulfamide Derivative | The application was filed in March 2010 and an opposition was filed in July 2015. The notice of the same was given to the applicant in February 2017. After the reply was submitted by the applicant in May 2017, the Controller delayed in giving the hearing notice. The first notice was issued 2 years and 8 months later in January 2020. The application is currently pending in hearing. |
| 6. | 1. Envision Scientific Pvt. Ltd. 2. Concept Medical Research Private Limited | 1324/MUM/2009 | Re-establishment of blood flow in blocked human arteries by transferring nano-encapsulated drug through medical devices, designed for the same and releasing the nano-encapsulated drug in human artery with body ph | The application was filed in May 2005 and an opposition was filed in January 2014. By May 2015, the applicant had filed a reply to the same. However, the first hearing notice was issued in June 2017, i.e. after 2 years . After several hearings and procedural irregularities, the patent application was refused in September 2020. |
| 7. | Vertex Pharmaceuticals Incorporated | 2487/KOLNP/2012 | Solid Forms of N-[2,4-BIS(1,1-Dimethylethyl)-5-Hydroxyphenyl]-1,4-Dihydro-4-Oxoquinoline-3-Carboxamide | The application was filed in September 2012 and an opposition was filed in June 2013. The first delay in the case was at the stage of giving notice to the applicant, where the Controller gave notice after more than 4 years. The second delay can be seen at the stage |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---------------------------------------|--------------------|--|--|
| | | | | of issuing a hearing notice. The applicant had filed a reply in March 2018, and the first hearing notice was only issued 1.5 years later in September 2020. The application is currently pending in amended examination. |
| 8. | Gilead Sciences Inc. | 10487/DELNP/2008 | Modulators of Pharmacokinetic Properties of Therapeutics | The application was filed in December 2008 and 2 oppositions were filed for the same. The applicant filed a response to the first opposition in July 2014, however, a hearing notice in this matter was issued only in February 2018. The application was granted in February 2020. |
| 9. | Bristol-Myers Squibb Holdings Ireland | 3372/CHENP/2012 | Combinations of a Specific HCV NS5A Inhibitor and HCV NS3 Protease Inhibitor | The application was filed in April 2012. An opposition was filed in May 2014, the notice of which was given to the applicant in 2017. The applicant failed to make any reply to the opposition in the period stipulated, and a hearing notice was issued in July 2019, after almost 2 years . The patent was refused under Section 15 in August 2019. |
| 10. | Rottapharm Biotech SRL | 9978/CHENP/2011 | Crystalline Forms of 6-(1Himidazol-1-Yl)-2-Phenyl-quin azoline | The application was filed in December 2011 and an opposition was filed in July 2013. The notice of opposition was served to the applicant in June 2017 and a reply was filed in September 2017. The first notice of hearing was issued in July 2019, 2 years after the reply had been filed. The patent was refused in July 2020. |
| 11. | Sangamo Biosciences, Inc | 3837/DELNP/2011 | Methods and Compositions for Inactivating Glutamine | The application was filed in May 2011 and the opposition was filed in June 2013. After the opposition was notified to the applicant in August 2017, a |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--|--------------------|--|--|
| | | | Synthetase Gene Expression | reply was filed in November 2017. The first notice of hearing was issued in February 2019, almost 1.5 years after the reply was filed. The opposition was withdrawn and the patent was granted in June 2020. |
| 12. | Lincoln Pharmaceuticals Limited | 1746/MUM/2008 | A Pharmaceutical Formulation for Paracetamol Injection | The application was filed in August 2008 and a pre-grant opposition was filed in April 2011. The notice of the opposition was served to the applicant in June 2012 which marks a year delay. The patent was refused under Section 25 in June 2020. |
| 13. | Bio Agens Research and Development - Bard, SRO | 1300/KOLNP/2012 | Antifungal Mixture with Fungal Organism Pythium Oligandrum | The application was filed in May 2012 and the opposition was filed in March 2013. The reply to the notice of the opposition was filed in March 2018 and the first hearing notice was issued in September 2019. Therefore, the hearing notice was issued after a delay of a year-and-a-half . The patent was granted in February 2020. |
| 14. | Bayer Intellectual Property GmbH | 3530/DELNP/2010 | Active compound combinations | The application was filed in May 2010 and the opposition was filed in July 2015. The applicant was notified of the opposition in November 2015, and a reply was filed in February 2016. The first hearing notice was issued after more than three-and-a-half years in September 2019. The application was refused in February 2020. |
| 15. | Janssen Sciences | 288/MUMNP/2010 | A process for preparing polymorph I of ϵ -4-[[4-[[4-(2-cyanoethenyl)-2,6- | The application was filed in February 2010 and 2 pre-grant oppositions were filed in the matter in November 2010 and October 2011 respectively. The applicant was notified of these oppositions in February 2014 and |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|-----------------------|--------------------|---|---|
| | | | dimethylphenyl] amino]-2-pyrimidinyl] amino] benzonitrile | filed a reply to both in May 2014. Subsequently, the first hearing notice was issued in October 2019, creating a substantial 5-year delay . It is notable that both the opponents informed that they are abandoning the opposition after the hearing notice was issued. The patent was granted in February 2020, 10 years after the application was filed. |
| 16. | Rajkumar Arora | 3266/DEL/2013 | A process of preparing an edible packaged form packed in a film | The application was filed in November 2013. The opposition was filed in June 2014 and the notice of the opposition was served to the applicant in December 2015. The applicant filed a reply in April 2016. However, the hearing notice was given in January 2020, almost 4 years after the reply. The patent was granted in February 2020. |
| 17. | Kao Corporation | 5628/DELNP/2009 | Two-part Hair Dye or Bleach Composition | The application was filed in August 2009 and the opposition was filed in June 2011. The notice of the opposition was given to the applicant in July 2017, and a reply was filed in October 2017. However, the hearing notice in this matter was issued in August 2019, after a delay of almost 2 years . The patent was granted in January 2020. |
| 18. | MJN U.S. Holdings LLC | 7957/DELNP/2010 | Nutritional Compositions Containing Punicalagins | The application was filed in November 2010 and an opposition was filed in August 2012. The notice of opposition was served to the applicant in May 2017 and the reply was filed in August 2017. Subsequently, after a delay of almost 2-and-a-half years , the hearing notice was issued in January 2020. The application was refused in March 2020. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|-------------------------------|--------------------|--|---|
| 19. | Sterling Agro Industries Ltd. | 1156/DEL/2009 | A Process for Production of Low Cholesterol Ghee | The application was filed in June 2009 and an opposition was filed in September 2012. After being notified of the opposition, the applicant filed a reply in June 2014. However, the first hearing notice was issued 3 years and 5 months later in November 2017. The application was finally refused in May 2018. |
| 20. | Salix Pharmaceuticals Ltd.. | 6001/CHENP/2010 | Forms of Rifaximin and Uses thereof | The application was filed in September 2010 and an opposition was filed to the same in July 2012. After the applicant was notified of the representation of opposition, the reply was filed in May 2017. Post this, the hearing notice was issued in April 2018, thereby causing a delay of 11 months . The application was refused in May 2018. |
| 21. | Novo Nordisk A/S | 2940/DELNP/2007 | Injection Device with Torsion Spring and Rotatable Display | The application was filed in April 2007 and the opposition was filed in February 2011. The applicant was notified in November 2014 and filed a reply to the opposition in February 2015. The first hearing notice was issued 2 years and 9 months later in November 2017. |
| 22. | Rupak Enterprises (P) Ltd. | 1352/MUM/2013 | Herbal Compositions for Management and Treatment of Joint & Muscle Pain in Vertebrates | The application was filed in April 2013 and the opposition was filed in November 2014. The applicant replied to the representation of opposition in December 2017. Subsequently the first hearing notice was issued after 7 months in July 2018. |
| 23. | Hartington Business SL | 10157/DELNP/2008 | A Process for Obtaining an Isolated Stable Juglone Extract of Walnuts | The application was filed in December 2008. A pre-grant opposition in the matter was filed in June 2012. The applicant was notified of the opposition in August 2016 and a reply |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|----------------------|--|--|
| | | | | was filed within the stipulated time, in November 2016. The first hearing notice was issued 11 months after the reply, in October 2017. The patent was granted in September 2018. |
| 24. | Almirall SA | 10018/ DELNP/2008 | Process for Manufacturing 3I-(2-Hydroxy-2,2-Dithien-2-Ylacetoxo)-1-(3-Phenoxypropyl)-1-Azoniabicyclo [2.2.2]Octane Bromide | The application was filed in December 2008. An opposition was filed in the matter in September 2011. While the First Examination Report was issued in May 2013, the notice of the opposition was given to the applicant much later in July 2014. The applicant filed a reply in October 2014. The first hearing notice was issued after a delay of almost 4 years , in August 2018. The patent was finally granted in October 2018. |
| 25. | Seattle Genetic, Inc. | 2111/DELNP/2006 | Antibody-Drug Conjugates and Intermediates | The application was filed in April 2006 and an opposition was filed in December 2014. The notice of the opposition was given to the applicant in November 2016, and the reply was filed in February 2017. The first hearing notice was issued in July 2018, i.e., 1 year and 5 months after the reply was filed. The patent was granted in December 2018. |
| 26. | The Energy and Resources Institute (TERI) | 277/DEL/2008 | Novel Biopesticide Compositions and Method for Isolation and Characterisation of Same | The application was filed in January 2008. An opposition in the matter was filed in November 2011. The notice of the same was given to the applicant along with the FER in December 2016, and the reply was filed in March 2017. The first hearing notice was issued after a delay of 1 year and 5 months in August 2018. The application was refused in December 2018. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|------------------------------|--------------------|---|---|
| 27. | Laila Nutraceuticals | 224/CHE/2009 | Composition from Sphaeranthus Indicus and Garcinia Mangostana for the Control of Metabolic Syndrome | The application was filed in February 2009. An opposition was filed in January 2014, and the notice of the same was given in October 2017. The applicant replied in January 2018, while the first hearing notice was issued in December 2018, i.e., after almost a 1-year delay . The patent was granted in August 2022. |
| 28. | Grunenthal GMBH | 1802/KOLNP/2011 | Novel and Potent Tapentadol Dosage Forms | The application was filed in May 2011 and an opposition was filed in January 2013. The notice of the same was given to the applicant in July 2017, and a reply was filed in October 2017. The first hearing notice was issued after 6 months , in April 2018. The patent was granted in May 2018. |
| 29. | Philtera New Zealand Limited | 719/CHENP/2007 | Synthesis of Triethyl-enetetramines | The application was filed in February 2007. An opposition was filed in October 2015 and notified to the applicant in July 2016. The reply was filed by the applicant in October 2016. However, the first hearing notice was issued after a delay of 2 years and 6 months , in April 2019. The patent was granted in July 2019. |
| 30. | Indena S.P.A. | 3656/KOLNP/2008 | Phospholipid Complexes of Curcumin Having Improved Bioavailability | The application was filed in September 2008. An opposition in the matter was filed in May 2012. The notice of the opposition was given to the applicant in May 2017. The applicant filed a reply August 2017. The first hearing notice in the matter was issued in October 2018, i.e., after a delay of 1 year and 2 months . The application was refused in May 2019. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--|--------------------|--|--|
| 31. | Rutgers, The State University of New Jersey and the General Hospital Corporation | 307/DELNP/2004 | Mullerian Inhibiting Substance Levels and Ovarian Response | The application was filed in February 2004. An opposition was filed in December 2016 and was notified to the applicant in April 2017. The applicant filed a reply in July 2017. While not provided in the Act, the opponent filed a rejoinder in August 2017. However, the hearing notice was issued in November 2018, causing a delay of over a year . The patent was granted in July 2019. |
| 32. | Centrient Pharmaceuticals Netherlands B.V. | 4257/DELNP/2011 | Mutant Penicillin G Acylases | The application was filed in June 2011. An opposition was filed in September 2013 and was notified to the applicant in November 2017. The applicant filed a reply in February 2018. The hearing notice was issued 1 year after the reply, in February 2019. The patent was granted in August 2019. |
| 33. | Shah Deepak Pranjivandas | 252/MUM/2011 | A Pesticidal Composition | The application was filed in January 2011. 2 pre-grant oppositions were filed in the instant matter. The opposition by Ashish Thapar was filed in November 2013. It was notified to the applicant in March 2015. The applicant filed a reply to the opposition in June 2015. The first hearing notice for this opposition was issued in October 2018, i.e., 3 years and 4 months after the reply was filed. The second opposition was filed by Haryana Pesticides Manufacturers' Association in May 2015. The applicant filed a reply to the same in October 2015. The first hearing notice in this matter was issued in April 2018, i.e., after almost 3 years . The application was granted in August 2019. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--|---------------------|--|---|
| 34. | Shah Deepak Pranjivandas | 253/MUM/2011 | A Novel Pesticidal Composition | The application was filed in January 2011. An opposition was filed in the matter by Ashish Thapar in October 2013. The notice of the same was given in March 2016 and the applicant filed a reply in June 2016. After this, the hearing notice in the matter was issued in July 2017, i.e., after a delay of 2 years . The patent was granted in March 2018. |
| 35. | 1. Excel Crop Care Limited 2. C C Shroff Research Institute | 840/MUM/2008 | Improved Fungicidal Formulation Suitable for Organic Agriculture | The application was filed in April 2008 and an opposition was filed in May 2011. The notice of the opposition was given in July 2012, and the applicant filed the reply in October 2012. Subsequently, the first hearing notice was issued in June 2016, thereby causing a delay of almost 4 years . The patent was granted in March 2018. |
| 36. | LRC Products Limited | 2072/ MUMNP/2008 | Polyisoprene Condoms | The application was filed in September 2008, and an opposition was filed in March 2013. The applicant was notified in June and a reply was filed by September 2013. However, the hearing notice was issued in August 2018, i.e., almost 4 years after the reply statement. Thereafter, the patent was granted in March 2018. |
| 37. | Richter Gedeon NYRT | 4256/ KOLNP/2009 | A Process for the Preparation of Novel Piperazine Salts as D3/D2 Antagonists | The application was filed in December 2009 and the opposition in the matter was filed in October 2010. The notice of the opposition was given to the applicant in February 2015, and a reply was filed in May 2015. The first hearing notice was issued in August 2016, after 1 years and 3 months of the reply. The patent was granted in February 2018. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--------------------------------------|--------------------|--|--|
| 38. | Onyx Therapeutics, Inc. | 768/DELNP/2007 | Compounds for Proteasome Enzyme Inhibition | The application was filed in January 2007. In this matter, 2 pre-grant oppositions were filed, by Laurus Labs Pvt. Ltd. and by Natco Pharma, in April 2015 and February 2018 respectively. In the matter of opposition filed by Laurus, the notice was given to the applicant in June 2015 and a reply was filed in September 2015. The first hearing notice was issued more than 2 years later in October 2017. The application was refused in October 2018. |
| 39. | e-Therapeutics PLC | 787/DELNP/2010 | Treatment of Melanoma | The application was filed in February 2010, and an opposition was filed in January 2011. The notice of opposition was given in September 2015, and the applicant filed a reply in December 2015. The first hearing notice was given in November 2017, thereby causing a delay of 2 years . The application was refused in December 2017. |
| 40. | Teva Pharmaceuticals Industries Ltd. | 2234/DELNP/2007 | Process for Preparation of Mixture of Polypeptides using Purified Hydrobromic Acid | The application was filed in March 2007 and an opposition was filed in the matter in March 2014. The notice of opposition was served efficiently upon the applicant, who filed a reply in June 2014. Subsequently, the hearing notice was issued in June 2016, after a delay of 2 years . The application was refused as the applicant did not pursue it. |
| 41. | Cambrex Karlskoga AB | 1732/MUMNP/2012 | New Processes for Producing Benzophenone Derivatives | The application was filed in July 2012 and an opposition was filed in May 2016. The notice of the opposition was given to the applicant in March 2018, and the reply (along with a petition for condonation of delay) was filed in July 2018. The hearing notice was issued |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---------------------|--------------------|---|--|
| | | | | in February 2019, 7 months after the reply was filed. The patent was granted in August 2019. |
| 42. | Pawan Saharan | 1353/MUM/2008 | Mammalian Colostrum Derived Nanopeptides for Broadspectrum Viral/ Recurrent Infections with Method of Isolation | The application was filed in December 2008, and an opposition in the matter was filed in April 2015. The notice of the same was given efficiently and the applicant filed a reply August 2015. The hearing notice was issued after 9 months in May 2016. Currently, the application is in order for grant awaiting NBA approval. |
| 43. | Gokaraju Ganga Raju | 6756/ CHENP/2009 | Novel Application of Aphanamixis Polystachya Extracts or Fractions against 5-Lipoxygenase Mediated Diseases | The application was file in November 2009. A pre-grant opposition in the matter was filed in August 2012, and the notice of the same was issued in December 2014. The applicant filed a reply in March 2015. The first hearing notice in the matter was issued in March 2017, i.e., 2 years after the reply. The patent was granted in June 2017, subject to NBA approval. |
| 44. | Plexxikon, Inc. | 4938/ KOLNP/2007 | Vemurafenib and its Compositions | The application was filed in December 2012, and an opposition in the matter was filed in October 2012. The notice was served on the applicant in March 2013, who filed a reply within 3 months. The first hearing notice was issued sometime in 206, marking almost a 3-year delay in the matter. The hearing was held in November 2016. The patent was granted in June 2017. |
| 45. | Grunenthal GmbH | 78/KOLNP/2010 | Crystalline Form A of (-)-(1R,2R)-3-(3-Dimethylamino-1-Ethyl-2- | The application was filed in January 2010 and an opposition was filed in June 2014. The applicant filed a reply in September 2015. The first hearing notice in the matter was issued in April |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--------------------------------------|--------------------|--|--|
| | | | Methylpropyl)-Phenol Hydrochloride | 2017, i.e., 1 year and 7 months after the reply was filed. The application was refused in September 2017. |
| 46. | Indena SPA | 497/KOLNP/2009 | Compositions for the Treatment of Chronic Degenerative Inflammatory Conditions | The application was filed in February 2009, and an opposition was filed in October 2012. The notice of the same was given to the applicant in March 2014, and a reply was filed within 3 months in June 2014. Subsequently, a hearing notice was issued in January 2017, i.e., after a period of 2.5 years . The application was finally refused in August 2017. |
| 47. | Mitsubishi Tanabe Pharma Corporation | 3871/CHENP/2009 | Crystalline Form of 1-(B-D-Glucopyranosyl)-4-Methyl-3-[5-(4-Fluorophenyl)-2-Thienylmethyl] Benzene Hemihydrate | The application was filed in July 2009. In this matter, 2 pre-grant opposition were by Ranbaxy Laboratories Pvt. Ltd. in May 2013, and by Indian Pharmaceutical Alliance in September 2013. The applicant was notified of the oppositions in May 2014, and a reply was filed in August 2014. Subsequently, the first hearing notice in the matter was issued in June 2017, i.e., after a delay of almost 3 years . The patent was granted in August 2017. |
| 48. | Cadila Healthcare Limited | 3463/MUM/2011 | Process for the Preparation of Water-Soluble Ferric Carbohydrate Complex | The application was filed in December 2012, and an opposition in the matter was filed in December 2016. The notice of the same was given efficiently in the same month, and a reply was filed by the applicant in March 2017. The delay in this occurred at the stage of issuing hearing notice. The first hearing notice was issued in May 2019, 2 years and 2 months after the reply was filed. The application was withdrawn by the applicant in September 2019. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|----------------------|--------------------|---|--|
| 49. | Concept Medical Inc. | 1337/MUM/2009 | artery by improving blood flow with the help of insertion of nano-balls (encapsulated nanoparticles) containing therapeutic agents by non-implantable device for tissues and thereby providing in tissue release to address the required cell cycle | The application was filed in June 2009, and an opposition was filed in December 2013. The applicant was notified of the same in March 2014 and filed a reply in June 2014. The first hearing notice was issued in April 2016, almost 2 years after the reply was filed. The application was refused in November 2016. |
| 50. | Meda AB | 2539/KOLNP/2010 | Treatment of Colon Diseases or Prevention of Colorectal Carcinoma with Imidazoquinoline Derivatives | The application was filed in July 2010. In this matter, a pre-grant opposition was filed in March 2011. The notice of the same was given to the applicant in September 2015 and a reply was filed in December 2015. The first hearing notice was issued after a period of 8 months in August 2016. The application was refused in October 2016. |
| 51. | Indena S.P.A. | 372/KOLNP/2009 | Treatment and Prevention Mucositis by Anthocyanidin Derivatives | The application was filed in January 2009 and the opposition in the matter was filed in December 2012. The applicant was notified of the same in March 2014 and filed a reply in June 2014. Subsequently, the first hearing notice was issued in April 2016, almost 2 years after the reply. The application was refused in July 2016. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|-----------------------------------|---------------------|--|---|
| 52. | Island Laboratories Inc. | 2132/ MUMNP/2007 | System and Method for Promoting Hair Growth and Improving Hair and Scalp Health | The application was filed in December 2007 and the opposition was filed in September 2012. The notice of the same was given to the applicant in January 2014, and a reply was filed in April 2014. The first hearing notice was issued in May 2016. Thereby, a delay of 2 years and 1 month was seen. The application was refused in May 2016. |
| 53. | Vecta, Ltd. | 3642/ KOLNP/2007 | Compositions and Methods for Inhibiting Gastric Acid Secretion | The application was filed in September 2007. 2 pre-grant oppositions were filed in the instant matter, in July 2010 and August 2010. The notice for both was given to the applicant in November 2012 and a reply was filed in February 2013. The first hearing notice in the first opposition was issued in January 2016, i.e., almost 3 years after the reply. The application was finally abandoned. |
| 54. | Vecta Ltd. | 2645/ MUMNP/2008 | Compositions and Methods for Inhibiting Gastric Acid Secretion Using Derivatives of Small Dicarboxylic Acids in Combination With PPI | The application was filed in December 2008, and an opposition was filed in June 2010. The notice of the opposition was given to the applicant in August 2012, and a reply was filed in September 2012. The first hearing notice was given in February 2016, i.e., 3 years 5 months after the reply. The application was refused in March 2016. |
| 55. | Apex Laboratories Private Limited | 2645/MUM/2008 | A Novel Dermaceutical Cream made Using Sodium Fusidate | The application was filed in December 2008, and an opposition was filed in March 2014. The notice of the same was given efficiently in April 2014 and a reply was filed in July 2014. The first hearing notice in this matter was issued in June 2015, i.e., almost 1 year after the reply was filed. The patent was granted in December 2015. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--------------------------------------|--------------------|---|---|
| 56. | Pfizer Inc. | 1430/DELNP/2011 | Dioxa-Bicyclo[3.2.1.] Octane-2,3,4-Triol Derivatives, Dioxa-Bicyclo(3,2,1) Octane-2,3,4-Triol Derivatives | The application was filed In February 2011 and an opposition in the matter was filed in August 2018. The notice of the same was given efficiently in September 2018 and a reply was filed by the applicant in December 2018. The first hearing notice was issued in August 2019, after a period of 8 months . The patent was granted in November 2019. |
| 57. | Indena S.P.A. | 4108/KOLNP/2008 | Phospholipid Complexes of Olive Fruits or Leaves Extracts Having Improved Bioavailability | The application was filed in October 2008 and the opposition in the matter was filed in May 2012. The applicant was notified of the same in September 2016, and a reply was filed in December 2016. The first hearing notice in the matter was issued in August 2019, almost 3 years after the reply was filed. The applicant later abandoned the application, which was thereby refused in February 2020. |
| 58. | Yeda Research & Development Co. Ltd. | 2420/CHENP/2012 | Low Frequency Glatiramer Acetate Therapy | The application was filed in March 2012. An opposition was filed in November 2017. The notice of the opposition was given in July 2019, and the applicant filed a reply in October 2019. The first hearing notice in the matter was issued in September 2020, almost a year after the reply was filed. The application was refused in September 2022. |
| 59. | UPL Limited | 1720/MUM/2009 | Agrochemical Composition | The application was filed in July 2009, and 3 oppositions were filed in the matter. In the first opposition filed by Haryana Pesticides Manufacturing Association in September 2014, the reply was filed in February 2018. A hearing notice in the matter was issued in August 2019, after a delay of 1.5 years . |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--|--------------------|--|---|
| | | | | <p>The applicant filed a reply in the second opposition by Prajakta Sawant in May 2020, and a hearing notice was issued in March 2021, thereby causing a delay of further 10 months.</p> <p>Finally, the reply in the third pre-grant opposition by Garvit Gupta was filed in August 2020 and a hearing notice was issued after a delay of 7 months.</p> <p>The patent was granted in March 2022, 13 years after the application was filed.</p> |
| 60. | Kabadi, Nagraj N. | 4638/CHE/2012 | Process for Blending Tartrazine colour with Tea | <p>The application was filed in November 2012, and an opposition was filed in March 2015. The applicant was notified of the same in July 2017 and had filed a reply in October 2017. The first hearing notice was issued in April 2019, 1 year and 6 months after the reply was filed. The application was refused in March 2022, almost 10 years after the application was filed.</p> |
| 61. | Laila Nutraceuticals | 1267/CHE/2009 | Anti-adipocyte Fatty Acid-Binding Protein(AP2), Anti-Flap and Anti-cyslt1 Receptor Herbal Compositions | <p>The application was filed in June 2009, and an opposition to it was filed in August 2012. The notice of the same was given to the applicant in February 2018, and a reply was filed in May 2018. The first hearing notice was issued after a period of 2 years and 3 months, in August 2020. The application is currently pending.</p> |
| 62. | Indian Council of Agricultural Research (ICAR) | 2964/DEL/2010 | Novel Naphthyridine based Hydrazine as Potent Agrochemicals | <p>The application was filed in December 2010, and an opposition to the same was made in February 2014. The notice of the opposition was given to the applicant in August 2019. The reply was filed in October 2019. The first hearing notice was issued after a delay of 9 months in July 2020. In October 2020, the patent was granted.</p> |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|----------------------------------|--------------------|--|--|
| 63. | Ironwood Pharmaceuticals, Inc | 1135/KOLNP/2011 | Stable solid formulation of a GC-C receptor agonist polypeptide suitable for oral administration | The application was filed in March 2011, and an opposition was filed in February 2016. The notice of the same was given in March 2017 and a reply was filed by the applicant in June 2017. The first hearing notice in the matter was issued in May 2018, thereby causing a delay of almost 1 year . The patent was finally granted in November 2020. |
| 64. | Munisekhar Medasani | 1916/CHE/2009 | Natural Extract from Whole Banana Fruit (MUSA SPP.) | The application was filed in August 2009. An opposition in the matter was filed in September 2012. The notice of the opposition was given to the applicant in November 2017. The deadline for filing a reply statement was February 2018, within which the applicant failed to file a reply. However, a reply was filed to the reply in May 2018. As per natural justice, a hearing for pre-grant opposition was also granted to the applicant via a notice dated November 9, 2020. Therefore, there was a delay of over 2 years at this stage. The application was refused in February 2021. |
| 65. | Medac GmbH | 3079/CHENP/2012 | Process for Producing Crystalline 4-Epida-unorubicin Hydrochloride | The application was filed in April 2012, and an opposition in the matter was filed in July 2013. The notice of the opposition was served in December 2017, and a reply was filed in March 2018. The first hearing notice in the matter was issued in February 2020 thereby causing a delay of almost 2 years at this stage. The patent was granted in January 2021. |
| 66. | Coromandel International Limited | 1777/CHE/2014 | Novel Oil Based Fungicidal Combination | The application was filed in April 2014, and an opposition in the matter was filed in May 2018. The notice of the |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|---------------------|--|---|
| | | | | same was given to the applicant in July 2018, and a reply was duly filed in October 2018. However, the delay was caused at the stage of issuing first hearing notice, as it was issued in August 2020. This caused a delay of 1 year and 10 months . The application is currently pending. |
| 67. | Amgen Inc. | 5857/ CHENP/2008 | Lyophilized Therapeutic Peptibody Formulations | The application was filed in October 2008, and an opposition was filed in July 2016. The notice was given to the applicant in September 2016 and a reply was filed in December 2016. The first hearing notice in this matter was issued in February 2020, after a delay of 3 years and 2 months . The application is currently pending |
| 68. | Glaxosmithkline Biologicals SA | 4849/ KOLNP/2007 | Immunogenic Composition | The application was filed in December 2007, and an opposition was filed in the matter in May 2011. The notice of the opposition was given in February 2016, and a reply was filed by the applicant in October 2016. Subsequently, a hearing notice was issued 3 years later in October 2019. The patent was granted in January 2020. |
| 69. | Dr. Abraham Ebenezer Muthunayagam | 3547/CHE/2010 | Process, System and Configuration for Integrated Ocean Energy- cum-Desalination System | The application was filed in November 2010, and an opposition was filed in September 2013. The notice of the opposition was given to the applicant in June 2018, and the reply was filed in September 2018. Subsequently, the first hearing notice was issued in August 2019, causing a delay of almost a year at this stage. The application was refused in November 2019. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|-----------------------------|--------------------|---|---|
| 70. | Helsinn Healthcare S.A. | 1024/MUMNP/2005 | A Medicament Dose of Palonosetron for Treatment of Post Operative Nausea and Vomiting | The application was filed in September 2005 and 2 pre-grant oppositions were filed in this matter. The 2nd opposition by Sun Pharmaceuticals Ltd., filed in June 2007, was notified in March 2008. The applicant filed a reply in June 2008. However, the first hearing notice in the matter was issued in August 2010, thereby causing a delay of over 2 years for this opposition. The application was refused in June 2011. The applicant filed an appeal at the IPAB against the Controller's decision, however, the appeal was withdrawn in January 2020. |
| 71. | L'Oreal | 2564/DEL/2007 | Photoprotective Cream based on a Fatty Acid | The application was filed in December 2007, and the opposition in the matter was filed in September 2009. The applicant was notified of the opposition in December 2014, and a reply was filed in March 2015. Subsequently, the first hearing notice was issued in March 2018, thereby causing a delay of 3 years at this stage. The Controller granted the patent in September 2018; however opponent filed a writ petition at the Delhi High Court, alleging procedural irregularity as it was not notified of the hearings. Therefore, the High Court set aside the patent in May 2019. The case is currently under litigation. |
| 72. | Tactical Therapeutics, Inc. | 3539/DELNP/2009 | Use of Carboxyamidotriazole (CAI) Orotate in Macular Degeneration | The application was filed in June 2009, and an opposition in the matter was filed in September 2010. The notice of the opposition was given to the applicant in December 2015, and a reply was filed in March 2016. Subsequently, a hearing notice in the |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---------------------------------|--------------------|---|---|
| | | | | matter was issued after a delay of 3.5 years in August 2019. Finally, the applicant withdrew the application finally. |
| 73. | Senju Pharmaceutical Co. Ltd. | 8059/DELNP/2007 | Percutaneous Absorption Formulation | The application was filed in October 2007, and a pre-grant opposition was filed in January 2014. The applicant was notified of the same in January 2017 but did not file a reply in the prescribed time. The hearing notice was issued after 2 years in September 2019. The application was refused in November 2019. |
| 74. | Crystal Crop Protection Ltd. | 2507/DEL/2010 | Broad Spectrum Insecticidal Composition for Agricultural Crop | The application was filed in October 2010. A pre-grant opposition, filed in May 2017, was notified to the applicant in February 2018. The applicant filed a reply in May 2018. Subsequently, the hearing notice in the matter was issued in January 2019, 8 months after the reply was filed. The patent was granted in December 2019. |
| 75. | Fresenius Kabi Oncology Limited | 1196/KOL/2005 | Metaxalone Polymorphs | The application was filed in December 2005 and a pre-grant opposition was filed in November 2013. The notice of the opposition was given to the applicant in February 2014, who filed a reply in July 2014. Subsequently, hearing notice was issued 1.5 years later in early 2016. The application was refused by the Controller in March 2017, and subsequently the review petition filed by the applicant was dismissed in September 2020. |
| 76. | Daiichi Sankyo Company Limited | 2301/MUMNP/2011 | Method for Producing Olmesartan Medoxomil | The application was filed in November 2011. An opposition in the matter was filed in September 2015, and the notice of the same was given to the applicant |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|-------------------------|--------------------|---|--|
| | | | | in December 2016. The reply was filed in March 2017. The first hearing notice in the matter was issued in July 2019, thereby causing a delay of 2 years and 3 months at this stage. The application is currently pending in hearing. |
| 77. | Immunogen, Inc. | 885/CHENP/2008 | Process for Preparing Purified Drug Conjugates | The patent application was filed in February 2008. In the matter 2 pre-grant oppositions were filed. The first opposition by Indian Pharmaceutical Alliance was filed in December 2014. Upon being served notice of the same, the applicant filed a reply in May 2015. Subsequently, the first hearing notice in the matter was issued in June 2016, causing a delay of a year in this matter. The patent was granted in November 2019. |
| 78. | Astellas Pharma Inc. | 3071/KOLNP/2008 | An α -Form Crystal of 1)-2-(2-Amino-thiazol-4-yl)-4'-[2-[(2-Hydroxy-2-Phenylethyl) Amino] Ethyl]-Acetanilide | The application was filed in July 2008 and 2 pre-grant oppositions were filed in this matter, in December 2010 and December 2013 respectively. The applicant filed a reply to both oppositions in April 2014 and May 2014 respectively. The first hearing notice was issued in April 2017, thereby causing a delay of 3 years at this stage. The application was finally refused in August 2017. |
| 79. | Actial Farmaceutica LDA | 1185/KOLNP/2007 | Device and Method for Identifying and Treating Vaginal Affections | The application was filed in April 2007 and an opposition was filed in the matter in August 2015. After being notified of the same, the applicant filed a reply in February 2016. Subsequently, the first hearing notice was issued in December 2016, after a delay of 10 months . The application was finally refused in January 2017. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|-----------------------|--------------------|--|--|
| 80. | Mukesh Harilal Shukla | 1899/MUM/2008 | Bioactive Composition for the Treatment of HIV/AIDS, Method for Manufacturing and Using the Same | The application was filed in September 2008, and an opposition was filed in May 2012. The applicant replied to the same in October 2012. Subsequently, the first hearing notice was issued in May 2015, 2 years and 7 months later. The patent was granted subject to NBA approval in January 2016. |
| 81. | Wyeth LLC | 8081/DELNP/2007 | Multivalent Pneumococcal Polysaccharide-Protein Conjugate Composition | The application was filed in October 2007. 2 oppositions in the matter were filed. The first opposition saw a delay at the stage of issuing hearing notice. The opposition was filed in August 2010, and after being notified of the same, the applicant filed a reply in September 2013. The first hearing notice was issued in December 2014, i.e., after a delay of 1 year and 3 months at the stage. The patent was granted in August 2017. |
| 82. | Pfizer Products Inc. | 4032/DELNP/2009 | Succinate Salt Of 2-((4-(1-Methyl-4-(Pyridin-4-Yl)-1h-Pyrazol-3-Yl) Phenoxy) Methyl) Quinoline | The application was filed in June 2009. An opposition to the same was filed in July 2010. The applicant was notified of the opposition in July 2014 and a reply to the opposition was filed in October 2014. Subsequently, the first hearing notice was issued in November 2017, i.e., 3 years after the reply by the applicant. The application was finally refused under Section 15. |

V. DELAY DUE TO SEVERAL ADJOURNMENTS

Rule 129A of the Patents Rules 2003 state that a party to any proceeding may request for an adjournment if they have a reasonable cause. Such adjournment must be requested at least three days before the hearing. Each party to a proceeding may

request adjournment twice, and no adjournment can be for more than thirty days. This right has been amply utilized by both applicants and opponents in opposition proceedings. After the first hearing notice is issued, parties may file for adjournment

of the hearing, and it can lead to a substantial delay depending on the length and frequency of adjournments sought.

Key Findings:

1. A delay at this stage is often caused as each party is allowed to take up to two adjournments. Therefore, opponents who only intend to delay the grant of the patent may request for both the available adjournments without citing due cause. It is noted that in applications where there are several opponents, each opponent taking such adjournments will lead to a substantial delay in the patent prosecution process.
2. Some of the most striking outliers we captured under this heading are listed below:
 - Application No. 311/KOLNP/2009: In this case, the hearing was first scheduled for February 2019. However, due to the several adjournments (five overall) sought by the parties, the hearing was finally held in August 2021, causing a delay of almost three years.
 - Application No. 2315/DELNP/2007: In this case, the first hearing was scheduled for December 2013. Three adjournments were

filed in the matter, after which the hearing was finally held in February 2015, thereby causing a delay of over 15 months.

- Application No. 4121/MUM/2013: In this case, the hearing in one of the oppositions was scheduled for December 2017. Due to 4 adjournments, the hearing was finally held nine months later in August 2018.

Recommendations:

1. It is recommended that the total number of adjournments allowed to both parties should be brought down to one request per party.
2. Further, the IPO may institute guidelines to ensure that when a party keeps filing several adjournment requests, it must be required to show due cause for the same, and the request should only be granted once the reason has been scrutinised. to deal with the delay at this stage is to institute a deadline of three months from the date the reply is filed by the Applicant. It is recommended that the Controller should issue a hearing notice within this period to expedite the opposition proceedings.

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--------------------------------------|--------------------|--|--|
| 1. | Bharat Biotech International Limited | 1356/CHE/2009 | Stable Immunogenic Protein having multiple cysteine molecules process therefor and composition thereof | The application was filed in June 2009. It faced 3 pre-grant oppositions. The notice of hearing in the case of the third opposition (filed by International Centre of Genetic Engineering and Biotechnology) was issued in October 2017. 3 adjournments were sought, 1 by the applicant and 2 by the opponent. The first hearing was finally held in March 2018. In the same matter, a second hearing was held in August 2020, after several adjournments. The patent was granted in March 2021. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|---------------------|---|---|
| 2. | Wyeth LLC | 3826/ KOLNP/2007 | A method of Weak Partitioning Chromatography | In this matter, the application had been filed in 2007, and two oppositions were filed in 2010 and 2011 respectively by Indian Pharmaceutical Alliance and Glenmark Pharma. The notice to the applicant was given in 2019, subsequently, the hearing notice was issued in December 2019. While IPA abandoned their opposition, Glenmark sought for 2 adjournments and the hearing was finally held in September 2020. It is important to note that the opponent did not appear in the hearing, making it clear that the adjournments themselves were a tactic for delaying the grant of the patent. The patent was finally granted in October 2020. |
| 3. | 1. Envision Scientific Pvt. Ltd. 2. Concept Medical Research Private Limited | 1324/MUM/2009 | Re-establishment of blood flow in blocked human arteries by transferring nano-encapsulated drug through medical devices, designed for the same and releasing the nano-encapsulated drug in human artery with body ph. | This is a particularly interesting case as it covers certain procedural irregularities with respect to hearings under Section 25 and under Section 14. The application was filed in May 2009, and an opposition was filed in January 2014. The first hearing notice was issued 2 years after the reply from the applicant, in June 2017. The hearing was scheduled for July 2017. An adjournment was sought by the applicant and the hearing was held in November 2017. Subsequently, in June 2018, the Controller held a hearing under Section 14 in the absence of the opponent, which was disputed by the opponent as being ex-facie in violation of the Act. The opponent was allowed to file written submissions against the applicant's submissions. A subsequent hearing was finally held in September 2019. Therefore, the course of events |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|------------------------------|--------------------|--|---|
| | | | | led to a 2 year delay in the hearing stage. The application was refused vide an order dated September 24, 2020. |
| 4. | Arena Pharmaceuticals, Inc. | 311/KOLNP/2009 | A Process for Preparing a Compound | The delay in this case is substantial due to the number of adjournments sought by parties over the course of 3 years. The first hearing notice was issued by the Controller in December 2018, scheduling the hearing for February 2019. An adjournment was sought first by the applicant, after which the hearing was scheduled for September 2020. After this, the hearing was adjourned 4 times, and the final hearing was held in August 2021. Therefore, overall, 5 adjournments have been sought, leading to a delay of almost 3 years . Currently, the application is still pending. |
| 5. | H. Lundbeck A/S | 7699/CHENP/2011 | Liquid Formulations of Salts of 1-[2-(2,4- Dimethyl-phenylsulfanyl) phenyl] piperazine | In this case, the first hearing notice was issued in September 2019, and the hearing was scheduled for October 2019. The hearing was adjourned thrice, two times by the opponent and once by the applicant. The final hearing was held in January 2020, 4 months after the first hearing notice. The patent was refused under Section 25(1), vide an order dated August 4, 2020. |
| 6. | Idorsia Pharmaceuticals Ltd. | 1417/CHENP/2010 | 4- Pyrimidinesulfamide Derivative | In this case, the first hearing notice was issued in January 2020, and a hearing was scheduled for February 2020. The same was adjourned at the request of the opponent twice, and once was postponed due to the prevailing COVID-19 situation. The final hearing was held in August 2020, 6 months after the first hearing |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|--------------------|---|---|
| | | | | notice. It is important to note that the opponent had requested a third adjournment which was not granted by the Controller as the rules allow only 2 adjournments per party. The application is currently pending. |
| 7. | Kabadi, Nagraj N. | 4638/CHE/2012 | Process for Blending Tartrazine colour with Tea | In this case, the applicant had replied to the representation of opposition in October 2017. The first hearing notice was issued in April 2019, and the hearing was scheduled for May 2019. This hearing was postponed and rescheduled as many as 5 times. The final hearing in the matter was held in March 2021, almost 2 years after the first hearing notice was issued. The application was refused in March 2022, almost 10 years after the application was filed. |
| 8. | Starbucks Corporation, D/B/A Starbucks Coffee Company | 4706/KOLNP/2010 | Beverages with Enhanced Flavours and Aromas and Method of Making Same | In this case, the applicant filed its reply to the representation of opposition in November 2020. The first hearing notice was given in May 2021 scheduling a hearing for the same month on 31st. However, after 3 postponements, the hearing was finally held in August 2021. The application is currently pending in hearing. |
| 9. | Pfizer Ireland Pharmaceuticals | 2315/DELNP/2007 | Production of Polypeptides | In this case, two pre-grant oppositions had been filed in 2010 and 2014 respectively. In March 2013, the applicant filed its reply to the first pre-grant opposition. The first hearing notice was issued in this matter in June 2013, scheduling the hearing in December 2013. This was adjourned thrice and the hearing was finally held in February 2015, thereby causing a delay of over 1 and a half years. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---------------------------------|---------------------|---|--|
| 10. | FMC Corporation | 6920/ DELNP/2008 | Stable Mixtures of Micro-encapsulated and Non-Encapsulated Pesticides | The application was filed in August 2008 and 3 pre-grant oppositions were filed for this matter, and all the opponents sought multiple adjournments in their respective hearings. In the opposition filed by Punjab Chemical and Crop Protection, the hearing was adjourned twice by the opponent. In the 2nd opposition by Dharmendra, the opponent again sought 2 adjournments. Finally, the 3rd opponent, Dhavalbhai Diyora, also sought an adjournment. Over the 3 oppositions, there was a significant delay. The application was refused in July 2020. |
| 11. | Lincoln Pharmaceuticals Limited | 1746/MUM/2008 | A Pharmaceutical Formulation for Paracetamol Injection | The application was filed in August 2008 and the pre-grant opposition was filed in April 2011. The applicant was notified of the opposition in June 2012 and filed a reply in September 2012. The first hearing notice was issued in November 2016 and scheduled a hearing in December 2016. 3 adjournments were sought in the matter, twice by the opponent and once by the applicant. The final hearing was held in January 2020, i.e., more than 3 years after the first hearing was scheduled. The patent was refused under Section 25 in June 2020 |
| 12. | Astellas Deutschland GmbH | 3862/CHENP/2011 | Oral Dosage Forms of Bendamustine | The application was filed in June 2011 and opposition was filed in October 2012. The first delay, in this case, was at the stage of giving notice to the applicant. The applicant filed its reply to the notice of opposition in June 2018. Subsequently, the first hearing notice was issued in August 2018, |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--|--------------------|--|---|
| | | | | scheduling a hearing for September 2018. Subsequently, the hearing was adjourned twice by the applicant and once by the opponent. After a delay of 3 months due to adjournments, the hearing was finally held in December 2018. The patent was granted via a decision dated March 16, 2020. |
| 13. | Bio Agens Research and Development – Bard, SRO | 1300/KOLNP/2012 | Antifungal Mixture with Fungal Organism Pythium Oligandrum | The application was filed in May 2012 and the opposition was filed in March 2013. The reply to the notice of the opposition was filed in March 2018. The first hearing notice was issued in September 2019, scheduling the hearing for November 2019. The hearing was postponed twice, and the hearing was held in February 2020, i.e., after 3-month delay . The patent was granted in February 2020. |
| 14. | Daiichi Sankyo Company Limited. | 2301/MUMNP/2011 | Method for Producing Olmesartan Medoxomil | The application was filed in November 2011. An opposition in the matter was filed in September 2015, and the notice of the same was given to the applicant in December 2016. The reply was filed in March 2017. The first hearing notice in the matter was issued in July 2019, scheduling a hearing for September 2019. After 4 adjournments, the hearing was finally held in October 2021, i.e., after a period of more than 2 years in the matter. The application is currently pending in hearing. |
| 15. | Shogun Organics Ltd. | 4121/MUM/2013 | Insecticide Compound and the Compositions Thereof | The application was filed in December 2013. In this matter, 3 pre-grant oppositions were filed. However, 2 oppositions were withdrawn. The opposition by M/s Tagros Chemicals India Ltd. was filed in February 2017 and notified to the applicant in June |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--------------------------|--------------------|--|--|
| | | | | 2017. The reply was filed in September 2017 and the first hearing notice was issued in November 2017. The hearing was scheduled for December 2017. However, this was rescheduled 4 times; twice the opponent requested an adjournment and twice the Controller. The hearing was finally held in August 2018, after a 9-month delay . The patent was granted in July 2019. |
| 16. | Shah Deepak Pranjivandas | 252/MUM/2011 | A Pesticidal Composition | The application was filed in January 2011. 2 pre-grant oppositions were filed in the instant matter. The opposition by Haryana Pesticides Manufacturers' Association was filed in May 2015 and notified to the applicant in July 2015. The applicant filed a reply in October 2015. The first hearing notice for this opposition was issued in April 2018, scheduling the hearing for May 2018. There were 4 adjournments in this matter, after which the hearing was finally held in March 2019, i.e., after a delay of 10 months . The application was granted in August 2019. |
| 17. | Onyx Therapeutics, Inc. | 768/DELNP/2007 | Compounds for Proteasome Enzyme Inhibition | The application was filed in January 2007. In this matter, 2 pre-grant oppositions were filed, by Laurus Labs Pvt. Ltd. and by Natco Pharma, in April 2015 and February 2018 respectively. In the matter of opposition filed by Laurus, the notice was given to the applicant in June 2015 and a reply was filed in September 2015. The hearing notice was first issued in October 2017, scheduling a hearing for November 2017. Subsequently, 3 adjournments were requested, and the hearing was finally held in February 2018, 4 months after the original hearing date. The application was refused. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|---------------------|--|--|
| 18. | UPL Limited | 1001/MUM/2007 | Improved Storage Stable Compositions of Mutually Incompatible Insecticides and a Process for its Preparation | The application was filed in May 2007. An opposition was filed in the matter in June 2014. The notice of opposition was given in August 2014 and a reply was filed in October 2014. The hearing notice was first issued in October 2016, scheduling the hearing for November 2016. 4 adjournments were sought in the matter, and the hearing was finally held in December 2017. The application was refused in January 2018. |
| 19. | 1. E.R. Squibb & Sons, L.L.C 2. Ono Pharmaceutical Co., Ltd. | 5057/ CHENP/2007 | Human Monoclonal Antibodies to Programmed Death 1 (Pd-1) For Use in Treating Cancer | The application was filed in November 2007. 4 pre-grant oppositions were filed in the matter. In the first opposition by Indian Pharmaceutical Alliance, the first hearing was initially scheduled for August 2016. However, several adjournments were sought by the opponent and the hearing was finally held 3 months later in November 2016. In the third opposition by Restech Pharmaceuticals, the first hearing was initially scheduled for November 2017. However, several adjournments were sought by the parties and the hearing was finally held 3 months later in February 2018. In the fourth opposition by Reddy's Laboratories Limited, the first hearing was initially scheduled for October 2018. However, several adjournments were sought by the parties and the hearing was finally held 3 months later in January 2019. Over the course of the 4 pre-grant oppositions, adjournments sought by the parties led to an overall delay of 11 months in the case. The patent was finally granted in June 2020. |

VI. DELAY IN ISSUING FURTHER HEARING NOTICES IN CASES OF ADJOURNMENTS

Rule 129A of the Patents Rules, 2003 also provides that if the Controller deems it fit, he may adjourn the hearing. In doing so, he must intimate the parties accordingly. Subsequently, a fresh date for a hearing must be notified. It is seen that the Controller may delay giving notice of subsequent hearings as well. This section also concerns those cases where after the request for adjournment, the Controller sets a hearing date which is after more than the thirty days period of adjournment prescribed by the Act.

Key Findings:

1. Through the analysis undertaken, we have noted that in cases where parties have requested an adjournment, a subsequent hearing notice is not issued for several months. In case several adjournments have been filed, this often leads to a substantial delay.
2. It is also pertinent to note that in several cases, the online records maintained by the IPO are not complete. Therefore, the data under this heading may be skewed due to incomplete records, and there may be several other cases where the delay has been caused at this stage, but the same has not been captured.

3. Some of the most striking outliers we captured under this heading are listed below:

- Application No. 1746/MUM/2008: In this case, the opponent had sought an adjournment in December 2016. A subsequent hearing notice was issued in October 2019, leading to an almost three years delay at this stage.
- Application No. 109/DELNP/2007: In this case, the applicant requested an adjournment before March 2015. A subsequent hearing notice was issued in July 2017, thereby causing a two years delay at this stage.
- Application No. 10157/DELNP/2008: In this case, the applicant requested an adjournment in January 2018. A subsequent hearing notice was issued in September 2018, thereby causing a delay of eight months at this stage.

Recommendations:

1. It is recommended that the IPO institute a trigger mechanism through which a subsequent hearing notice is automatically issued when an adjournment is sought, fixing the date of hearing to one month after the original date of hearing.

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|-----------------------------|--------------------|------------------------------------|--|
| 1. | Arena Pharmaceuticals, Inc. | 311/KOLNP/2009 | A Process for Preparing a Compound | In this case, the first hearing was scheduled for February 2019, vide a notice dated December 2018. The applicant sought an adjournment in the matter in January 2019. The next hearing notice was issued in August 2020. Therefore, after the adjournment was requested, there was a delay of 19 months in issuing the subsequent |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|--------------------|--|--|
| | | | | hearing notice. A second adjournment was sought in September 2020; however, the subsequent notice was issued 3 months later in February 2021, i.e. well past the 1 month prescribed by the Act. Currently, the application is still pending. |
| 2. | Monsanto Technology LLC. | 1637/DELNP/2009 | Methods and Compositions for Improving Plant Health | The application was filed in March 2009. An opposition was filed in February 2014, while the notice of the same was served onto the applicant after a delay of 2 years in December 2016. The first hearing notice was issued in November 2017. An adjournment was sought in December 2017. The subsequent hearing notice was issued 5 months later in May 2018. The application was finally refused in July 2018 under Section 15. |
| 3. | Lincoln Pharmaceuticals Limited | 1746/MUM/2008 | A Pharmaceutical Formulation for Paracetamol Injection | The application was filed in August 2008 and the pre-grant opposition was filed in April 2011. The applicant was notified of the opposition in June 2012 and filed a reply in September 2012. The first hearing notice was issued in November 2016; however, the opponent sought an adjournment in December 2016. The subsequent hearing notice was issued in October 2019, 3 years after the adjournment was sought. The patent was refused under Section 25 in June 2020. |
| 4. | 1. Monsanto Technology LLC 2. Board of Regents of the University of Nebraska | 10578/DELNP/2008 | Modified Dicamba Monooxygenase Enzymes Capable of Conferring | The application was filed in December 2008 and the pre-grant opposition was filed in February 2017. The applicant was notified of the same in January 2018 and the applicant filed the reply within 3 months of the same. The first |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|--------------------|---|--|
| | | | Tolerance to the Herbicide Dicamba in Transgenic Plants | hearing was scheduled for April 2018. However, the applicant had sought adjournment for the same on April 23. The subsequent hearing notice was issued in August 2018, 4 months after the adjournment was sought. The patent was granted in September 2018. |
| 5. | Hartington Business SL | 10157/DELNP/2008 | A Process for Obtaining an Isolated Stable Juglone Extract of Walnuts | The application was filed in December 2008. A pre-grant opposition in the matter was filed in June 2012. The applicant was notified of the opposition in August 2016 and a reply was filed within the 3-months period. The first hearing notice was issued in October 2017. The applicant sought an adjournment in January 2018. The subsequent hearing notice was issued after 8 months in September 2018. The patent was granted in September 2018. |
| 6. | Phytoceuticals Ltd | 109/DELNP/2007 | Composition Comprising Neem Oil and Oil Extract of Hypericum Perforatum | The application was filed in January 2007. A pre-grant opposition was filed in the matter in February 2013. The applicant was notified in September 2013 and the reply was filed in December 2013. The first hearing notice was issued in March 2015. The applicant requested an adjournment, and a subsequent hearing notice was issued after around 2 years in July 2017. The application was refused in September 2018. |
| 7. | 1. Concept Medical Research Private Limited 2. Envision Scientific Private Limited | 177/MUM/2010 | Drug-Eluting Insertable Medical Device for Treating Acute Myocardial Infarction, Thrombus | The application was filed in January 2010. An opposition was filed in June 2014. The notice of the said opposition was given to the applicant in September 2016. A reply to the opposition was filed in December 2016. The first hearing notice was |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--------------------------------------|--------------------|---|---|
| | | | Containing Lesions and Saphenous-Vein Graft Lesions | issued efficiently in January 2017. The applicant sought an adjournment in February 2017. The subsequent hearing notice was then issued after 8 months , in October 2017. The application was finally rejected in April 2018. |
| 8. | Yeda Research & Development Co. Ltd. | 2420/CHENP/2012 | Low Frequency Glatiramer Acetate Therapy | The application was filed in March 2012. An opposition was filed in November 2017. The notice of the opposition was given in July 2019, and the applicant filed a reply in October 2019. The first hearing notice in the matter was issued in September 2020, scheduling a hearing for October 2020. In this case, the opponent sought for an adjournment. The subsequent hearing notice was issued in March 2021, 5 months after the request was made. The application was refused in September 2022. |
| 9. | Daiichi Sankyo Company Limited | 2301/MUMNP/2011 | Method for Producing Olmesartan Medoxomil | The application was filed in November 2011. An opposition in the matter was filed in September 2015, and the notice of the same was given to the applicant in December 2016. The reply was filed in March 2017. The first hearing notice in the matter was issued in July 2019, scheduling a hearing for September 2019. An adjournment was sought by the applicant after which the hearing was scheduled for November 2019. Subsequently, the opponent filed a request for adjournment in November 2019. The next hearing notice was issued in June 2021, after a delay of 1 year and 7 months . The application is currently pending in hearing. |

VII. DELAY IN DELIVERING ORDER BY THE CONTROLLER

Rule 55(6) of the Patents Rules, 2003 specifies that the Controller shall proceed to either reject or grant the patent simultaneously after the proceedings in a particular pre-grant opposition are culminated. This must be done “ordinarily within one month from the completion” of the proceedings. In using the term “ordinarily”, the language of the Act does not lay down a strict timeline in which the Controller is bound to give an order. However, it may be taken as a guideline. The need for speedy adjudication on such matters was also reinstated by the Supreme Court in its 2009 judgement in *Bajaj Auto Ltd. v. TVS Motor Company Limited*.⁹⁵ The Hon’ble Court reiterated that in matters relating to trademarks, copyright, and patents, the judgement should be given within 4 months of filing the suit. This must be followed punctually by all courts and tribunals. Since the Controller exercised quasi-judicial functions, the direction must be followed.

In several cases, it was seen that the order was given after as long as one year, which is far longer than the expected time of action. The delay in this final step means that applicants must wait for a long time after the final hearing to receive an order on whether their invention is protected and in instituting infringement proceedings, if any.

Key Findings:

1. A delay at this stage is often caused as there is no strict timeline within which a Controller has to deliver the order. A drawback of this delay is that when a substantial amount of time has elapsed after the hearings have been conducted, an important aspect which may affect the grant of the patent may be missed due to inadvertence.
2. Further, a delay is also seen as the hearing under Section 25 and Section 14 of the Patents Act, 1970 may be held at different times, often with a gap of several years. Accordingly, the Controller may hold the decision on opposition proceedings,

so that a final judgement addressing the issue raised under both sections may be delivered.

3. Some of the most striking outliers we captured under this heading are listed below:
 - Application No. 1135/KOLNP/2011: The parties in this opposition proceeding filed their written submission after the hearing in December 2018. Thereafter, a decision in the matter was delivered in November 2020, two years after the proceedings were completed.
 - Application No. 885/CHENP/2008: Two oppositions were filed in this case. The proceedings in the first opposition were completed in August 2016, however, a second opposition was filed just a day later. The proceedings in the second matter were completed in October 2017. However, an order was delivered in November 2019, causing two years to delay at this stage.
 - Application No. 3837/DELNP/2011: The proceedings in this opposition matter were completed in April 2019. Thereafter, a decision in the matter was delivered in June 2020, causing a delay of over one year.
 - Application No. 9708/DELNP/2008: This case is a prime example of the efficient disposal of an opposition after a hearing. In this case, the hearing was held in May 2017, and the Controller issued the order in June 2017, thereby adhering to the one-month period prescribed by the Act.

Recommendations:

1. It is recommended that a deadline of three months after the filing of written submissions may be instituted, within which the Controller must deliver an order in the matter.
2. Further, another measure through which delay at this stage may be reduced is by conducting

95. (2009) 9 SCC 797

hearings under Section 14 and Section 25 together, or around the same time. This shall also reduce the burden on the Controller to conduct multiple hearings and reduce the burden on the

Applicant to appear in multiple hearings, leading to increased costs and time in prosecuting a patent application.

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|--------------------|--|--|
| 1. | HIL Ltd. | 2578/DEL/2009 | An improved process for manufacturing non-asbestos fibre cement sheets | The hearing in the matter of pre-grant opposition was held in October 2020. However, the decision was delivered 7 months later, in May 2021, well past the 1 month period stipulated by the Rules. The patent was granted. |
| 2. | Ironwood Pharmaceuticals, Inc | 1135/KOLNP/2011 | Stable solid formulation of a GC-C receptor agonist polypeptide suitable for oral administration | The final hearing in this matter was conducted in December 2018. Within the same month, both the applicant and the opponent filed their written submissions. However, the decision in the matter was delivered in November 2020. There was therefore a nearly 2-year delay in delivering the judgement. The patent was granted. |
| 3. | 1. Envision Scientific Pvt. Ltd. 2. Concept Medical Research Private Limited | 1324/MUM/2009 | Re-establishment of blood flow in blocked human arteries by transferring nano-encapsulated drug through medical devices, designed for the same and releasing the nano-encapsulated drug in human artery with body ph | The final hearing in this matter was conducted in September 2019. This hearing was concluded for issues under Section 25 as well under Section 15. However, the decision on the matter was delivered in September 2020, marking a year's delay after the hearing. The patent was refused. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---------------------------------|--------------------|---|--|
| 4. | Gilead Sciences Inc. | 10487/DELNP/2008 | Modulators of Pharmacokinetic Properties of Therapeutics | The final hearing in this matter was conducted in April 2018. The hearing was attended by both parties. However, the decision in this matter was issued in February 2020, marking a 2-year delay after the hearing. The patent was granted. |
| 5. | Pfizer Ireland Pharmaceuticals | 2315/DELNP/2007 | Production of Polypeptides | The final hearing in this matter was held in February 2015. However, the decision on this matter was issued in November 2016. There was, therefore, a delay of a year-and-a-half in delivering the order by the Controller. The patent was granted. |
| 6. | Basilea Pharmaceutica AG | 7192/CHENP/2010 | Solid DMSO Solvate of Compound of Formula (I) and Process for the Manufacture of the Same | The application was filed in November 2010. The final hearing in this matter was held in September 2018. The Controller delivered an order in July 2020, granting the patent. There was, therefore, almost a 2-year delay at this stage. |
| 7. | Astellas Deutschland GmbH | 3862/CHENP/2011 | Oral Dosage Forms of Bendamustine | The application was filed in June 2011 and the opposition was filed in October 2012. The first delay, in this case, was at the stage of giving notice to the applicant. After several adjournments, the hearing was finally held in December 2018. The patent was granted via a decision dated March 16, 2020, i.e., 15 months after the final hearing. |
| 8. | Lincoln Pharmaceuticals Limited | 1746/MUM/2008 | A Pharmaceutical Formulation for Paracetamol Injection | The application was filed in August 2008 and the pre-grant opposition was filed in April 2011. The applicant was notified of the opposition in June 2012 and filed a reply in September 2012. The final hearing was held in January 2020. The Controller delivered |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|-------------------------|---------------------|--|--|
| | | | | an order in June 2020, i.e., 6 months after the completion of proceedings. The patent was refused under Section 25. |
| 9. | Scinopharm Taiwan, Ltd. | 7499/ CHENP/2009 | Crystalline Polymorph of 7-Ethyl-10-Hydroxy-camptothecin | The application was filed in December 2009, and the opposition was filed in April 2013. The applicant was notified of the same almost 4 years later in February 2017, and a reply was filed within the 3-months stipulated time. The final hearing was held in October 2017, and the written submissions were filed by the parties by November 7. However, the decision was delivered by the Controller in June 2018, causing a 7-month delay. The application was refused. |
| 10. | Phytoceuticals Ltd. | 109/DELNP/2007 | Composition Comprising Neem Oil and Oil Extract of Hypericum Perforatum | The application was filed in January 2007. A pre-grant opposition was filed in the matter in February 2013. The applicant was notified in September 2013 and the reply was filed in December 2013. The first hearing notice was issued in March 2015. The final hearing in the matter was held in August 2017, and the order was delivered after a delay of more than a year in September 2018. The application was refused. |
| 11. | Subhash Chander Sehgal | 2645/DEL/2005 | Erbo-Mineral Compound Formulations for the Management of Maternity Onset Diabetes Mellitus | The application was filed in October 2005. A pre-grant opposition was filed against the application in June 2012. The notice of the opposition was given to the applicant 5 years later in September 2017. The final hearing in this matter was held in December 2017, where the opponent did not participate. The decision in the matter |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|--------------------|---|--|
| | | | | was given 9 months later , in September 2018. Currently, the patent is in order for grant under Section 43 and is awaiting NBA approval. |
| 12. | 1. Concept Medical Research Private Limited 2. Envision Scientific Private Limited | 177/MUM/2010 | Drug-Eluting Insertable Medical Device for Treating Acute Myocardial Infarction, Thrombus Containing Lesions and Saphenous-Vein Graft Lesions | The application was filed in January 2010. An opposition was filed in June 2014. The notice of the said opposition was given to the applicant in September 2016, thereby after a delay of 2 years and 3 months. The final hearing in the matter was held in November 2017, however, the order in the matter was delivered in April 2018, i.e. 5 months after the proceedings were completed. The application was finally rejected. |
| 13. | Chiesi Farmaceutici SPA | 779/KOLNP/2012 | Pressurised Metered Dose Inhaler Comprising Formoterol and Beclometasone Dipropionate | The application was filed in March 2012. An opposition in the matter was filed in February 2014, and the notice of the same was given to the applicant in April 2017. The applicant filed the reply in July 2017 and the hearing was held in January 2018. Subsequently, the decision on the matter was given in October 2018. It is important to note here that after the hearing under Section 25 was held in January, the hearing under Section 14 was held in April. The patent was granted in October 2018. |
| 14. | Crystal Crop Protection Ltd. | 1440/DEL/2011 | A Broad Spectrum Insecticidal Composition for Agricultural Crops | The application was filed in May 2011 and an opposition was filed in November 2014. The applicant was notified in August 2017 and the reply was filed within 3 months of the notification. The final hearing in the matter was held in April 2018, while the decision was delivered 6 months |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--|---------------------|--|---|
| | | | | later in October 2018. The patent was granted. |
| 15. | Indena S.P.A. | 3656/ KOLNP/2008 | Phospholipid Complexes of Curcumin Having Improved Bioavailability | The application was filed in September 2008. An opposition in the matter was filed in May 2012. The notice of the opposition was given to the applicant in May 2017. The applicant filed a reply August 2017. The hearing in this matter was held in October 2018, where the opponent did not appear. However, the decision in the matter was delivered in May 2019, 7 months later. The application was refused. |
| 16. | Rutgers, The State University of New Jersey and the General Hospital Corporation | 307/DELNP/2004 | Mullerian Inhibiting Substance Levels and Ovarian Response | The application was filed in February 2004. An opposition was filed in December 2016 and was notified to the applicant in April 2017. The applicant filed a reply in July 2017. While not provided in the Act, the opponent filed a rejoinder in August 2017. The hearing in the matter was held in February 2019, and the decision was delivered 5 months after the hearing in July 2019. The patent was granted. |
| 17. | Shah Deepak Pranjivandas | 253/MUM/2011 | A Novel Pesticidal Composition | The application was filed in January 2011. An opposition was filed in the matter in October 2013. The notice of the same was given in March 2016 and the applicant filed a reply in June 2016. After this, the final hearing in the matter was held in September 2017. The patent was granted in March 2018, i.e., 6 months after the hearing was conducted. |
| 18. | 1. Excel Crop Care Limited 2. C C Shroff Research Institute | 840/MUM/2008 | Improved Fungicidal Formulation Suitable | The application was filed in April 2008 and an opposition was filed in May 2011. The notice of the opposition was given in July 2012, and the applicant |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|-------------------------|--------------------|--|---|
| | | | for Organic Agriculture | filed the reply in October 2012. Subsequently, the final hearing was held in July 2016, and the decision was delivered after almost 2 years in March 2018. The cause of delay can be attributed to the fact that the hearing under Section 14 was held in January 2018, much after the hearing under Section 25(1). The patent was granted. |
| 19. | Richter Gedeon NYRT | 4256/KOLNP/2009 | A Process for the Preparation of Novel Piperazine Salts as D3/D2 Antagonists | The application was filed in December 2009 and the opposition in the matter was filed in October 2010. The notice of the opposition was given to the applicant in February 2015, and a reply was filed in May 2015. The hearing in the matter was held in October 2016, however, the decision was delivered in February 2018, after a delay of almost 1.5 years . The patent was granted. |
| 20. | Onyx Therapeutics, Inc. | 768/DELNP/2007 | Compounds for Proteasome Enzyme Inhibition | The application was filed in January 2007. In this matter, 2 pre-grant oppositions were filed, by Laurus Labs Pvt. Ltd. and by Natco Pharma, in April 2015 and February 2018 respectively. In the matter of opposition filed by Laurus, the notice was given to the applicant in June 2015 and a reply was filed in September 2015. The hearing was held in February 2018, but the decision was delivered in October 2018, i.e., over 8 months later. The application was refused. |
| 21. | UPL Limited | 1001/MUM/2007 | Improved Storage Stable Compositions of Mutually Incompatible Insecticides and | The application was filed in May 2007. An opposition was filed in the matter in June 2014. The notice of opposition was given in August 2014 and a reply was filed in October 2014. The hearing was held in December 2016. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---------------------|--------------------|---|--|
| | | | a Process for its Preparation | The decision was delivered in January 2018, over a year after the proceedings were completed. The application was refused. |
| 22. | Pawan Saharan | 1353/MUM/2008 | Mammalian Colostrum Derived Nanopeptides for Broad spectrum Viral/ Recurrent Infections with Method of Isolation | The application was filed in December 2008, and an opposition in the matter was filed in April 2015. The notice of the same was given efficiently and the applicant filed a reply in August 2015. The hearing was held in August 2016 and the decision was given 4 months later in December 2016. Currently, the application is in order for a grant awaiting NBA approval. |
| 23. | Alfa Wassermann SPA | 1865/DEL/2005 | New Polymorphous Forms of Rifaximin, Processes for their Production and Use Thereof in the Medicinal Preparations | The application was filed in July 2005, and an opposition was filed in October 2013. The notice of the opposition was served in February 2016 and the applicant filed a reply in April 2016. The hearing was held in August 2016, however, the decision was given in March 2017, thereby causing a delay of just over 6 months . The patent was granted. |
| 24. | Plexxikon, Inc. | 4938/KOLNP/2007 | Vemurafenib and its Compositions | The application was filed in December 2012, and an opposition in the matter was filed in October 2012. The notice was served on the applicant in March 2013, who filed a reply within 3 months. The hearing was held in November 2016, however, the decision in the matter was given in June 2017, i.e., 7 months after the proceedings were completed. The patent was granted. |
| 25. | Nagraj N. Kabadi | 3293/CHE/2011 | Process for preparing | The application was filed in September 2011, and an opposition was filed in |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|--------------------------|--------------------|---|---|
| | | | fresh tea with chocolate flavour | March 2015. The hearing was held in June 2016, and the decision on the matter was passed in August 2017, over a year after the proceedings were completed. The patent was granted. |
| 26. | Les Laboratoires Servier | 2960/DEL/2010 | Crystalline II Form of Agomelatine of Formula | The application was filed in December 2010, and an opposition was filed in February 2014. The notice of the opposition was given to the applicant in March 2015. A reply was filed in November 2015, along with a petition for condoning the delay. The hearing in the matter was held in July 2016 and the decision was delivered in September 2017, i.e., after a delay of 1 year and 2 months , the patent was granted. |
| 27. | Indena SPA | 497/KOLNP/2009 | Compositions for the Treatment of Chronic Degenerative Inflammatory Conditions | The application was filed in February 2009, and an opposition was filed in October 2012. The notice of the same was given to the applicant in March 2012, and a reply was filed within 3 months. The hearing in the matter was held in February 2017. The final decision was given by the Controller after a delay of 6 months , in August 2017. The application was refused. |
| 28. | Dr. Manohar P. Shinhasan | 2080/CHE/2011 | Process For Preparation of a Plant Based Antiviral Composition for the Treatment of HIV And HIV Related Acquired Immuno-Deficiency Syndrome | The application was filed in June 2011. A pre-grant opposition in the matter was filed in January 2012, the notice of which was given to the applicant in April 2015. After filing the reply statement, the hearing was held in September 2016. The decision of the Controller was issued in July 2017, after a delay of 10 months . The patent was granted. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|-----------------------------------|--------------------|---|--|
| 29. | Concept Medical Inc. | 1337/MUM/2009 | Rejuvenating coronary artery by improving blood flow with the help of insertion of nano-balls (encapsulated nanoparticles) containing therapeutic agents by non-implantable device for tissues and thereby providing in tissue release to address the required cell cycle | The application was filed in June 2009, and an opposition was filed in December 2013. The applicant was notified of the same in March 2014 and filed a reply in June 2014. The hearing in the matter was held in June 2016, while the decision was rendered in November 2016, after a period of 5 months . The application was refused. |
| 30. | Apex Laboratories Private Limited | 2645/MUM/2008 | A Novel Dermaceutical Cream made Using Sodium Fusidate | The application was filed in December 2008, and an opposition was filed in March 2014. The notice of the same was given efficiently in April 2014 and a reply was filed in July 2014. The hearing in the matter was held in June 2015, however, the order granting the patent was delivered after a delay of 6 months in December 2015. |
| 31. | Willwood Chemicals Pvt. Ltd. | 3839/DEL/2013 | Synergistic Fungicidal Composition | The application was filed in December 2013 and the opposition was filed in January 2019. The notice of the same was given in June 2019 and the reply was filed in September 2019. The hearing in the matter was conducted efficiently in December 2019. The Controller delivered the order after a delay of 7 months in July 2020. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|-----------------------------|--------------------|--|---|
| 32. | Sangamo Biosciences, Inc | 3837/DELNP/2011 | Methods and Compositions for Inactivating Glutamine Synthetase Gene Expression | The application was filed in May 2011 and the opposition was filed in June 2013. After the opposition was notified to the applicant in August 2017, a reply was filed in November 2017. The final hearing in the matter was held in April 2019, and the decision in the matter was delivered in June 2020, i.e., after a period of 1 year and 2 months . The patent was granted. |
| 33. | Ishihara Sangyo Kaisha Ltd. | 28/CHENP/2014 | Fungicidal Composition and Method for Controlling Plant Diseases | The application was filed in January 2014 and an opposition in the instant case was filed in August 2018. The applicant filed a reply after being notified in December 2018. The hearing was held in June 2019, and the order was delivered by the Controller in April 2020, after a delay of 10 months . The patent was granted. |
| 34. | Ozone Pharmaceuticals Ltd. | 1327/DEL/2006 | Pharmaceutical Compositions of Calcium Dobesilate | The application was filed in June 2006. The opposition was filed in July 2011, and the notice was given in July 2016. The reply was filed in October 2016. The final hearing in the matter was conducted in August 2020. The order was delivered in March 2021, 5 months after the proceedings were completed. The patent was granted. |
| 35. | Swanand Shrikant Pathak | 134/MUM/2013 | Herbal Compositions for the Treatment of Thermal Burns | The application was filed in January 2013. An opposition in the matter was filed in February 2020, and the notice of the same was given efficiently. The reply was filed in April 2020. The final hearing in the matter was held in November 2020, while the order was delivered over 4 months later in March 2020. The application was refused. |

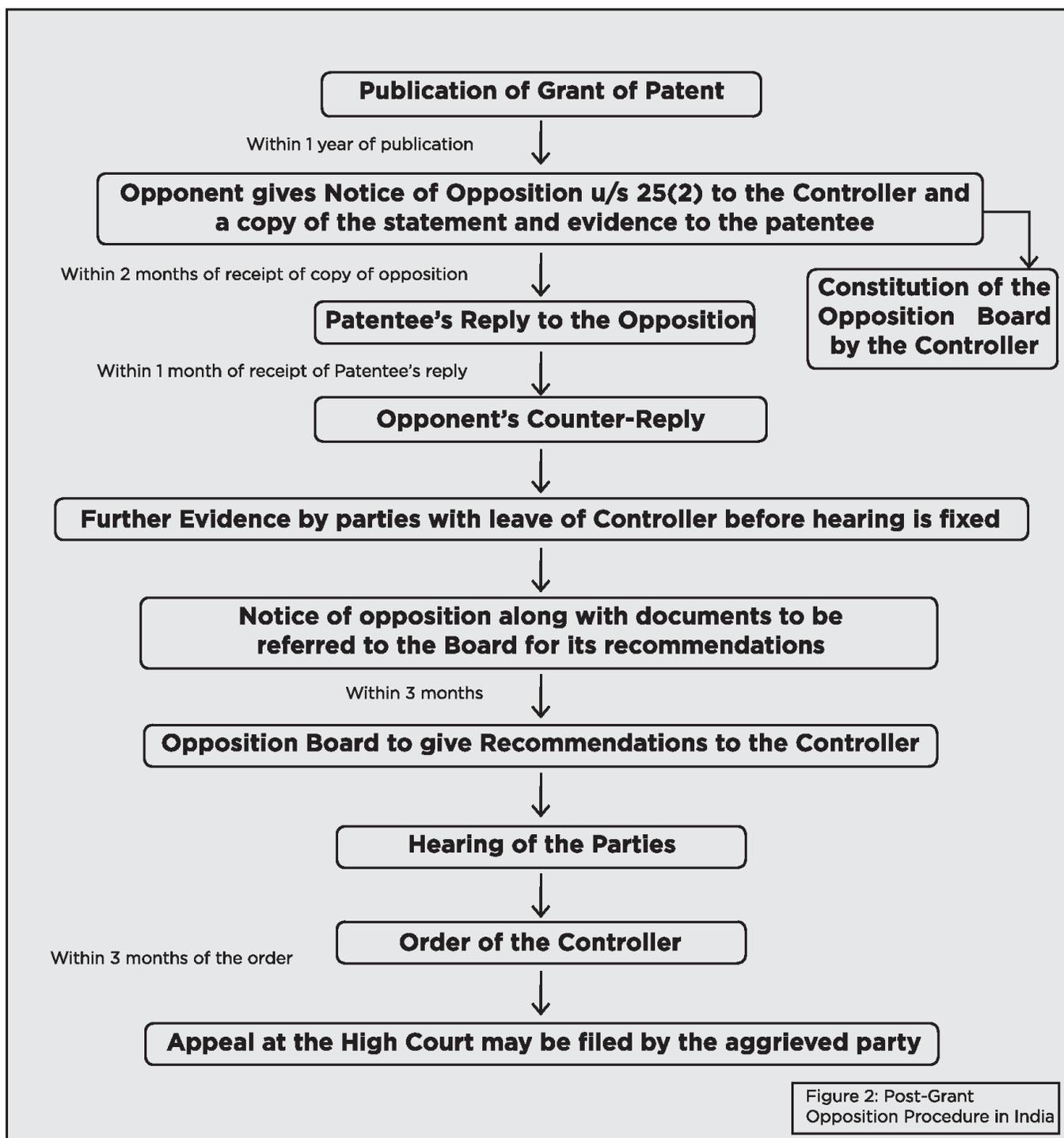
| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---|--------------------|---|---|
| 36. | Kyowo Hakko Bio Co. Ltd. | 9022/CHENP/2012 | Crystalline Oxidized Glutathione and Production Method Therefor | The application was filed in October 2012, and an opposition was filed in April 2019. The case was dealt with efficiently, and a hearing was conducted on the matter in January 2020. However, there was a delay of 10 months in delivering the order. The patent was granted in November 2020. |
| 37. | Taisho Pharmaceutical Co. Ltd. | 6000/DELNP/2007 | 1-Thio-C-Glucitol Derivatives | The application was filed in August 2007, with an international filing date of January 2006. 4 pre-grant oppositions were filed to the application in June 2017, February 2018, August 2018, and July 2019 respectively. The final hearing in these matters was held in November 2019. The decision on these matters was delivered in November 2020, causing a delay of a year . The patent was granted. |
| 38. | Bakshi Amit | 3602/MUM/2014 | Stable Topical Pharmaceutical Compositions Comprising Gabapentin | The application was filed in November 2011 and opposition in the matter was filed January 2017. Notice of the opposition was given to the applicant in June 2017 and a reply was filed in August 2017. The final hearing in the matter was held in November 2017, and an order was delivered in November 2019, i.e., 2 years after the hearing. The application was refused. |
| 39. | 1. E.R. Squibb & Sons, L.L.C 2. Ono Pharmaceutical Co., Ltd. | 5057/CHENP/2007 | Human Monoclonal Antibodies to Programmed Death 1 (Pd-1) For Use in Treating Cancer | The application was filed in November 2007. 4 pre-grant oppositions were filed serially, after, or immediately before the hearing in the previous matter concluded. The hearing for the 4th pre-grant was concluded in January 2019, however, the decision was delivered in June 2020, thereby creating a delay of almost 1.5 years at this stage. The patent was granted. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|------------------------------------|--------------------|---|---|
| 40. | Helsinn Healthcare S.A. | 1024/MUMNP/2005 | A Medicament Dose of Palonosetron for Treatment of Post Operative Nausea and Vomiting | The application was filed in September 2005 and 2pre-grant oppositions were filed in this matter in February 2007 and in June 2007. The hearing for the oppositions was held together in August 2010, however, the decision was delivered 10 months later in June 2011. The application was refused. The applicant filed an appeal at the IPAB against the Controller's decision, however, the appeal was withdrawn in January 2020. |
| 41. | Crystal Crop Protection Ltd. | 2507/DEL/2010 | Broad Spectrum Insecticidal Composition for Agricultural Crop | The application was filed in October 2010. A pre-grant opposition, filed in May 2017, was notified to the applicant in February 2018. The applicant filed a reply in May 2018. The hearing in the matter was held in March 2019, and the order was delivered after 9 months . The patent was granted in December 2019. |
| 42. | Fresenius Kabi Oncology Limited | 1196/KOL/2005 | Metaxalone Polymorphs | The application was filed in December 2005 and a pre-grant opposition was filed in November 2013. The notice of the opposition was given to the applicant in February 2014, who filed a reply in July 2014. The final hearing in the matter was held in April 2016. The order by the Controller refusing the grant of the patent was delivered after a delay of almost 1 year in March 2017. Subsequently, the review petition filed by the applicant was dismissed in September 2020. |
| 43. | 1. Genentech Inc. 2. Curis, Inc | 2007/DELNP/2007 | Pyridyl Inhibitors of Hedgehog Signalling | The application was filed in March 2007. An opposition was filed by Cancer Patients Aid Association Limited in January 2017. The same |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|-------------------|--------------------|---|--|
| | | | | opponent filed another opposition against applicant's amended claims in July 2017. The hearing in the matter was held in April 2018. The order was delivered in December 2019, thereby causing a delay of 1 year and 8 months . The application was refused. |
| 44. | Immunogen, Inc. | 885/CHENP/2008 | Process for Preparing Purified Drug Conjugates | The patent application was filed in February 2008. In the matter 2 pre-grant oppositions were filed. The hearing in the first opposition by Indian Pharmaceutical Alliance was concluded in August 2016. However, a decision in the matter could not be delivered as a second opposition by Pankaj Kumar Singh was filed one day later. The hearing in the second opposition was conducted in September 2017, and the parties filed the written submissions in October 2017. The order granting the patent was passed in November 2019, causing a delay of over 2 years in passing a final order. |
| 45. | Kabadi, Nagraj N. | 4638/CHE/2012 | Process for Blending Tartrazine colour with Tea | The application was filed in November 2012, and an opposition was filed in March 2015. The final hearing in the matter was held in March 2021, and a decision in the matter, refusing the patent, was delivered in March 2022, causing a further 1 year delay in the matter. |

POST-GRANT OPPOSITIONS

The procedure of post-grant opposition proceedings under the Patent Act is provided in Figure 2 below:



PROCEDURE FOR FILING POST-GRANT OPPOSITION

1. After a patent is granted, it is published for inspection by the public. A post-grant patent opposition may be filed at this stage, within one year of the publication of the grant of patent. Unlike pre-grant oppositions, a post-grant opposition can only be filed by a “person interested”.
 2. Upon receipt of the notice of opposition, the Controller shall constitute an Opposition Board consisting of three members and nominate one of the members as the Chairman.
 3. The opponent shall give a notice of opposition to the Controller on Form 7 on the grounds mentioned in Section 25(2). The Controller shall notify the patentee of the notice. The opponent shall also deliver a copy of the written statement setting out the nature of his interest, and evidence relied upon to the patentee.
 4. The patentee may file a reply statement and evidence to the opposition within two months from the date of receipt of the written statement and evidence. The patent is deemed to be revoked if the same is not done.
 5. The opponent may file a counter-reply to the patentee’s reply, within one month of receipt of patentee’s reply and evidence. The counter-reply is strictly restricted to the matters in patentee’s reply.
 6. No further evidence can be filed by the parties without the leave of the Controller. Such leave can only be prayed if the Controller has not fixed a hearing date.
 7. The Controller shall forward all the documents to the Opposition Board, which shall submit a joint recommendation on whether the patent shall be maintained, amended, or revoked, within three months from the date on which they received the documents.
 8. The Controller shall then proceed to fix a date of hearing and shall give parties not less than ten days’ notice of such hearing. The party desiring to be heard must then inform the Controller by a notice along with the specified fees.
 9. After the hearing, and consideration of the recommendation of the Opposition Board, the Controller shall decide on the opposition and notify his decision to the parties giving reasons therefor.
 10. The party aggrieved by the decision of the Controller can appeal against the same to the High Court within a period of three months from the date of the order.
-

REASONS FOR DELAY IN POST-GRANT OPPOSITION PROCEEDINGS

The primary reasons identified for the delays in post-grant proceedings are the following:

- a. It is the prerogative of the Controller to constitute the Opposition Board in cases of post-grant opposition. Delay is seen if the Board is not constituted efficiently.
- b. The problem of serial opponents is faced in post-grant oppositions as well.

Each of these reasons, with illustrations, have been provided below.

I. DELAY IN CONSTITUTING AN OPPOSITION BOARD

Key Findings:

Rule 56 of the Patents Rules, 2003 dictates that the Controller shall constitute an Opposition Board after the notice of opposition is received. However, there is no statutory time-period stipulated for doing the same. A delay arises here when the Controller does not constitute the Board at an appropriate time.

Recommendations:

One of the recommendations to reduce the delay at this stage of post-grant opposition is to institute a deadline of 6 months from the date of opposition, within which the Opposition Board should be constituted.

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---------------|--------------------|---|---|
| 1. | Pharmatop SCR | 238164 | Method for Producing an Aqueous Solution of an Active Ingredient of Phenolic Nature | The patent application was filed in January 2003, and the grant of the patent was published in January 2010. A post-grant opposition notice was filed in January 2011. The opponent filed their statement and evidence in March 2011. The patentee filed their reply in June 2011 and the opponent filed counter-reply in August 2011. Subsequently, the Opposition Board was constituted in May 2017, after almost 7 years of all the documents being filed by the parties. The patent was revoked in December 2018. |

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|---------------|--------------------|--|---|
| 2. | Novartis AG | 256182 | A medicament comprising glycopyrrolate and (r)-5-[2-(5,6-diethyl-indan-2-ylamino)-1-hydroxy-ethyl]-8-hydroxy-1h-quinolin-2-one maleate | The patent application was filed in November 2006. The grant of the patent was published in May 2013. The opponent filed a Notice of opposition 2 days after the publication in May 2013. The patentee filed their reply and evidence in July 2014. Subsequently, the Board was only constituted in September 2016, after over 2 years. After the hearing in the matter was fixed for June 2017, the opponent informed that they do not wish to pursue the opposition, and the patent was maintained. |
| 3. | Lalit Mahajan | 224471 | A Microlisa Dengue device for the detection of IgG antibodies | The patent application was filed in August 2007, and the grant of the patent was published in October 2008. A post-grant opposition was filed in March 2010 and forwarded to the patentee in April 2010. The patentee filed a reply statement and evidence in May 2010, and a counter-reply was filed by the opponent in June 2010. Subsequently, the opposition board was constituted after more than 6 years in 2016. The patent was maintained in July 2017. |

II. DELAY DUE TO SERIAL OPPOSITIONS

Key Findings:

1. We note that serial oppositions have been filed against applications filed by Indian applicants as well as foreign applicants. Additionally, the opponents consist of individuals, as well as corporates/organisations.
2. Another interesting finding is that in several cases, the opponents were represented by the same agent/law firm. This can often be an indication of a concerted effort by the opponents to delay the grant of the patent.
3. Serial oppositions create a considerable burden on the Controller and the patentee. The Controller is required to scrutinise each opposition, and the patentee is required to file replies to all oppositions.

| S. NO. | APPLICANT | APPLICATION NUMBER | TITLE | COMMENTS |
|--------|----------------------|--------------------|------------------------|---|
| 1. | Pfizer Products Inc. | 352215 | Chiral Salt Resolution | <p>The patent application was filed in October 2003, and the grant of the patent was published in November 2020. 2 post-grant oppositions in the matter were filed by:</p> <ul style="list-style-type: none">• Cipla Ltd, and• Optimus Drugs Private Limited <p>The matter is currently pending. Interestingly, both the oppositions were filed on the same date, and both the opponents were represented by the same agent.</p> |

OVERALL RECOMMENDATIONS

The report has demonstrated the various stages where there is a delay in the opposition proceedings. In this regard, our recommendations are as follows:

1. The Patent Office should implement strict checks to ensure that pre-grant oppositions are only filed by those with legitimate interests in the patent application. Section 25(1) may also be amended to allow only “persons interested” to file an opposition, i.e., the language should be made in consonance with the requirements of post-grant oppositions.
2. The Patent Office should endeavour to publish the patent application within a prescribed timeline. Once the application is published, pre-grant oppositions should only be allowed to be filed within a period of 6-12 months. This shall bring the pre-grant opposition proceedings in line with post-grant oppositions (which allows oppositions to be filed within a year of grant). Additionally, it will also bring the patent regime in line with other IP regimes, like trademark, designs, which allow for a prescribed time within which a third party can file an opposition.
3. A procedure to merge opposition proceedings may also be introduced to ensure that several hearings in various oppositions do not delay the grant of the patent. This will also reduce the costs of prosecuting the patent application for the applicant.
4. An inordinate amount of delay is seen at the stage of issuing a notice of opposition to the applicant. The Controllers must give such notice as expeditiously as possible. A clear guideline, for instance, three months to assess the opposition and notify the applicant, must be implemented. Such a guideline, if followed strictly, will considerably reduce the delay in pre-grant opposition proceedings.
5. Delay in issuing hearing notices is another cause of concern. Since hearings are held in all cases based on the principle of natural justice, it must be ensured that immediately upon receipt of a reply, the Controller appoints a hearing. Additionally, after adjournments, hearing notices must promptly be issued, appointing a date one month from the earlier date of hearing, in compliance with the provisions of the Act. Further, hearings to deal with objections under Section 14, and oppositions under Section 25, can be appointed together to effectively utilize the tribunal's time. The order after a hearing must also be delivered within the statutorily prescribed time of one-month.
6. As illustrated in the report, in post-grant opposition proceedings, the delay is mostly seen at the state of constituting an opposition board, as there is no statutorily prescribed time for the same. In this regard, guidelines must be made to ensure the efficient disposal of cases.

Therefore, it is pertinent to note that an immediate overhaul of the system is required, wherein the current scenario of lax timelines must be changed. The statute, or the rules, may be amended to include clear statutory deadlines to ensure that action is taken within a reasonable period.

ANNEXURE-1

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|---------------------|--|--|----------------|---|
| 1. | 1720/ MUM/2009 | UPL LIMITED | AGROCHEMICAL COMPOSITION | 28/07/2009 | Patent granted vide order dated 24 March 2022 |
| 2. | 2371/ CHENP/2012 | EISAI R&D MANAGEMENT CO., LTD. | QUINOLINE DERIVATIVE- CONTAINING PHARMACEUTICAL COMPOSITION | 15/03/2012 | Patent granted vide order dated 04 February 2021 |
| 3. | 6000/ DELNP/2007 | TAISHO PHARMACEUTICAL CO. LTD. | 1-THIO-D-GLUCITOL DERIVATIVES | 01/08/2007 | Patent granted vide order dated 19 November 2020 |
| 4. | 2551/ MUM/2015 | GSP CROP SCIENCE PVT. LTD. | FORMULATED PESTICIDAL COMPOSITION OF ANTHRANILAMIDE INSECTICIDE WITH FUNGICIDES | 02/07/2015 | Patent granted vide order dated 08 March 2021 |
| 5. | 201621038900 | REGROW BIOSCIENCES PRIVATE LIMITED | A PROCESS OF PREPARING BUCCAL EPITHELIAL CELL SUSPENSION AND ITS USE | 15/11/2016 | Patent granted vide order dated 22 March 2022 |
| 6. | 4706/ KOLNP/2010 | STARBUCKS CORPORATION, D/B/A STARBUCKS COFFEE COMPANY | BEVERAGES WITH ENHANCED FLAVORS AND AROMAS AND METHOD OF MAKING SAME | 09/12/2010 | Pending (application in hearing) |
| 7. | 6920/ DELNP/2008 | FMC CORPORATION | STABLE MIXTURES OF MICRO- ENCAPSULATED AND NON-ENCAPSULATED PESTICIDES | 12/08/2008 | Application refused vide order dated 15 July 2020 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|---------------------|--|--|----------------|--|
| 8. | 5057/ CHENP/2007 | 1. E.R. SQUIBB & SONS, L.L.C 2. ONO PHARMACEUTICAL CO., LTD., | HUMAN MONOCLONAL ANTIBODIES TO PROGRAMMED DEATH 1 (PD-1) FOR USE IN TREATING CANCER | 09/11/2007 | Patent granted vide order dated 30 June 2020 |
| 9. | 252/MUM/2011 | SHAH DEEPAK PRANJIVANDAS | A PESTICIDAL COMPOSITION | 28/01/2011 | Patent granted vide order dated 02 August 2019 |
| 10. | 253/MUM/2011 | SHAH DEEPAK PRANJIVANDAS | A NOVEL PESTICIDAL COMPOSITION | 28/01/2011 | Patent granted vide order dated 20 March 2018 |
| 11. | 9708/ DELNP/2008 | REGENERON PHARMACEUTICALS, INC. | VEGF ANTAGONIST FORMULATIONS SUITABLE FOR INTRAVITREAL ADMINISTRATON | 21/11/2008 | Patent granted vide order dated 24 October 2017 |
| 12. | 2499/ DEL/2013 | RAJKUMAR ARORA | A PROCESS FOR PREPARATION OF A DENTAL HEALTH COMPOSITION | 23/08/2013 | Patent granted vide order dated 22 August 2016 |
| 13. | 640/ CHENP/2012 | JAPAN TOBACCO INC. | NITROGEN-CONTAINING SPIRO-RING COMPOUND AND MEDICINAL USE OF SAME | 18/01/2012 | Patent granted vide order dated 13 July 2020 |
| 14. | 1613/ MUM/2008 | CADILA HEALTHCARE LIMITED | A PROCESS FOR THE PREPARATION OF CRYSTALLINE ARFORMOTEROL TARTRATE AND INTERMEDIATES THEREOF | 29/07/2008 | Application refused vide order dated 07 October 2019 |
| 15. | 885/ CHENP/2008 | IMMUNOGEN, INC., | PROCESS FOR PREPARING PURIFIED DRUG CONJUGATES | 21/02/2008 | Patent granted vide order dated 08 November 2019 |
| 16. | 1356/ CHE/2009 | BHARAT BIOTECH INTERNATIONAL LIMITED | STABLE IMMUNOGENIC PROTEIN HAVING MULTIPLE CYSTEINE MOLECULES PROCESS THEREFOR AND COMPOSITION THEREOF | 09/06/2009 | Patent granted vide order dated 10 March 2021 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|---------------------|---------------------------------|---|----------------|--|
| 17. | 4187/ DELNP/2007 | MSD ITALIA S.R.L. | POTASSIUM SALT OF AN HIV INTEGRASE INHIBITOR | 01/06/2007 | Application refused vide order dated 30 August 2020 |
| 18. | 311/ KOLNP/2009 | ARENA PHARMACEUTICALS INC. | A PROCESS FOR PREPARING A COMPOUND | 21/01/2009 | Pending (application in hearing) |
| 19. | 3826/ KOLNP/2007 | WYETH LLC | A METHOD OF WEAK PARTITIONING CHROMATOGRAPHY | 08/10/2007 | Patent granted vide order dated 22 October 2020 |
| 20. | 2423/ CHENP/2011 | SANOFI-AVENTIS DEUTSCHLAND GMBH | DRUG DELIVERY DEVICE AND METHOD OF MANUFACTURING A DRUG DELIVERY DEVICE | 11/04/2011 | Pending (application in hearing) |
| 21. | 6087/ DELNP/2005 | GILEAD PHARMASSET, LLC. | A (2'R)-2'-DEOXY-2'FLUORO-2'-C-METHYL NUCLEOSIDE | 27/12/2005 | Patent granted vide order dated 09 May 2016 |
| 22. | 2315/ DELNP/2007 | PFIZER IRELAND PHARMACEUTICALS | PRODUCTION OF POLYPEPTIDES | 26/03/2007 | Patent granted vide order dated 07 November 2016 |
| 23. | 1024/ MUMNP/2005 | HELSINN HEALTHCARE S.A. | A MEDICAMENT DOSE OF PALONOSETRON FOR TREATMENT OF POST OPERATIVE NAUSEA AND VOMITING | 19/09/2005 | Application refused vide order dated 27 June 2011 |
| 24. | 288/ MUMNP/2010 | JANSSEN SCIENCES IRELAND UC | A PROCESS FOR PREPARING POLYMORPH I OF (E) 4-[[4-[[4-(2-CYANO-ETHENYL)-2,6-DIMETHYLPHENYL] AMINO]-2-PYRIMIDINYL]AMINO] BENZONITRILE | 12/02/2010 | Patent granted vide order dated 28 February 2020 |
| 25. | 4121/ MUM/2013 | SHOGUN ORGANICS LIMITED | INSECTICIDE COMPOUND AND THE COMPOSITIONS THEREOF | 30/12/2013 | Patent granted vide order dated 25 July 2019 |
| 26. | 768/ DELNP/2007 | ONYX THERAPEUTICS, INC. | COMPOUNDS FOR PROTEASOME ENZYME INHIBITION | 31/01/2007 | Application refused vide order dated 31 October 2018 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|-------------------------|--|---|----------------|---|
| 27. | 3871/ CHENP/2009 | mitsubishi TANABE PHARMA CORPORATION | CRYSTALLINE FORM OF 1-(B-D- GLUCOPYRANOSYL)- 4-METHYL-3-[5-(4- FLUOROPHENYL)- 2-THIENYLMETHYL] BENZENE HEMIHYDRATE | 02/07/2009 | Patent granted vide order dated 14 August 2017 |
| 28. | IN/PCT/2002/ 845/KOL | ELI LILLY AND COMPANY | A NOVEL CRYSTALLINE FORM OF N-[4-[2-(2-AMINO- 4,7-DIHYDRO-4-OXO- 3H-PYRROLO[2,3-D] PYRIMIDIN-5-YL) ETHYL]BENZOYL]-L- GLUTAMIC ACID AND PROCESS THEREFOR | 24/06/2002 | Application refused vide order dated 30 July 2015 |
| 29. | 5621/ CHENP/2015 | DIC CORPORATION | METHOD FOR PRODUCING POLYARYLENE SULFIDE RESIN AND POLYARYLENE SULFIDE RESIN COMPOSITION | 15/09/2015 | Application refused vide order dated 15 February 2022 |
| 30. | 3071/ KOLNP/2008 | ASTELLAS PHARMA INC. | AN A-FORM CRYSTAL OF (R) -2-(2-AMINOTHIAZOL- 4-YL)-4'-[2-[(2- HYDROXY-2- PHENYLETHYL) AMINO] ETHYL]- ACETANILIDE | 28/07/2008 | Application refused vide order dated 29 August 2017 |
| 31. | 8081/ DELNP/2007 | WYETH LLC | MULTIVALENT PNEUMOCOCCAL POLYSACCHARIDE- PROTEIN CONJUGATE COMPOSITION | 19/10/2007 | Patent granted vide order dated 11 August 2017 |
| 32. | 96/ MUM/2005 | TROIKAA PHARMACEUTICALS LTD. | INJECTABLE PREPARATIONS OF DICLOFENIC AND ITS PHARMACEUTICALLY ACCEPTABLE SALTS | 01/02/2005 | Patent granted vide order dated 01 December 2020 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|---------------------|---|--|----------------|---|
| 33. | 806/ DELNP/2010 | BRISTOL-MYERS SQUIBB HOLDINGS IRELAND UNLIMITED COMPANY | CRYSTALLINE FORM OF METHYL ((1S)-1-(((2S)-2- (5-(4'-(2-((2S)-1- ((2S)-2-((METHOXY- CARBONYL) AMINO)-3- METHYLBUTANOYL)- 2-PYRROLIDINYL)- 1H-IMIDAZOL-5-YL)- 4-BIPHENYLYL)-1H- IMIDAZOL-2-YL)- 1-PYRROLIDINYL) CARBONYL)-2- METHYLPROPYL) CARBAMATE DIHYDROCHLORIDE SALT | 05/02/2010 | Pending (application in hearing) |
| 34. | 3792/ CHENP/2011 | NAL PHARMACEUTICAL GROUP LIMITED | DOSAGE FORM FOR INSERTION INTO THE MOUTH | 02/06/2011 | Application refused vide order dated 16 June 2021 |
| 35. | 2578/ DEL/2009 | HIL LTD. | AN IMPROVED PROCESS FOR MANUFACTURING NON-ASBESTOS FIBRE CEMENT SHEETS | 11/12/2009 | Patent granted vide order dated 28 May 2021 |
| 36. | 2420/ CHENP/2012 | YEDA RESEARCH AND DEVELOPMENT CO. LTD. | LOW FREQUENCY GLATIRAMER ACETATE THERAPY | 16/03/2012 | Application refused vide order dated September 29, 2022 |
| 37. | 6898/ CHENP/2010 | VIVUS, INC. | LOW DOSE TOPIRAMATE/ PHENTERMINE COMPOSITION AND METHODS OF USE THEREOF | 26/10/2010 | Application refused vide order dated 15 October 2020 |
| 38. | 7699/ CHENP/2011 | H. LUNDBECK A/S | LIQUID FORMULATIONS OF SALTS OF 1-[2-(2,4-DIMETHYL- PHENYLSULFANYL) PHENYL]PIPERAZINE | 21/10/2011 | Patent granted vide order dated 04 August 2020 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|----------------------|--|--|----------------|---|
| 39. | 2964/ DEL/2010 | INDIAN COUNCIL OF AGRICULTURAL RESEARCH (ICAR) | NOVEL NAPHTHYRIDINE BASED HYDRAZINES AS POTENT AGROCHEMICALS | 13/12/2010 | Patent granted vide order dated 13 October 2020 |
| 40. | 1267/ CHE/2009 | LAILA NUTRACEUTICALS, | ANTI-ADIPOCYTE FATTY ACID-BINDING PROTEIN(AP2), ANTI FLAP AND ANTI-CYSLT1 RECEPTOR HERBAL COMPOSITIONS | 02/06/2009 | Pending (application in hearing) |
| 41. | 2487/ KOLNP/2012 | VERTEX PHARMACEUTICALS INCORPORATED | SOLID FORMS OF N-[2,4-BIS(1,1-DIMETHYLETHYL)-5-HYDROXYPHENYL]-1,4-DIHYDRO-4-OXOQUINOLINE-3-CARBOXAMIDE | 03/09/2012 | Pending (application in hearing) |
| 42. | 7155/ DELNP/2009 | NOVARTIS AG. | USE OF S1P RECEPTOR MODULATOR | 05/11/2009 | Application refused vide order dated 01 January 2020 |
| 43. | 4032/ DELNP/2009 | PFIZER PRODUCTS INC. | SUCCINATE SALT OF 2-((4-(1-METHYL-4-(PYRIDIN-4-YL)-1H-PYRAZOL-3-YL) PHENOXY)METHYL) QUINOLINE | 19/06/2009 | Application refused vide order dated 18 December 2017 |
| 44. | 10487/ DELNP/2008 | GILEAD SCIENCES, INC. | MODULATORS OF PHARMACOKINETIC PROPERTIES OF THERAPEUTICS | 18/12/2008 | Patent granted vide order dated 24 February 2020 |
| 45. | 5907/ DELNP/2005 | ASTRAZENECA AB | AN ORAL PHARMACEUTICAL COMPOSITION | 19/12/2005 | Application refused vide order dated 19 January 2018 |
| 46. | 3372/ CHENP/2012 | BRISTOL-MYERS SQUIBB HOLDINGS IRELAND | COMBINATIONS OF A SPECIFIC HCV NS5A INHIBITOR AND AN HCV NS3 PROTEASE INHIBITOR | 16/04/2012 | Application refused vide order dated 21 August 2019 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|---------------------|--|--|----------------|---|
| 47. | 1637/ DELNP/2009 | MONSANTO TECHNOLOGY LLC. | METHODS AND COMPOSITIONS FOR IMPROVING PLANT HEALTH | 12/03/2009 | Application refused vide order dated 25 July 2018 |
| 48. | 7192/ CHENP/2010 | BASILEA PHARMACEUTICA AG | SOLID DMSO SOLVATE OF COMPOUND OF FORMULA (I) AND PROCESS FOR THE MANUFACTURE OF THE SAME | 08/11/2010 | Patent granted vide order dated 27 July 2020 |
| 49. | 9978/ CHENP/2011 | ROTTAPHARM BIOTECH S.R.L | CRYSTALLINE FORMS OF 6-(1H-IMIDAZOL- 1-YL)-2- PHENYLQUINAZOLINE | 30/12/2011 | Application treated as withdrawn vide order dated 24 July 2020 |
| 50. | 3837/ DELNP/2011 | SANGAMO BIOSCIENCES, INC. | METHODS AND COMPOSITIONS FOR INACTIVATING GLUTAMINE SYNTHETASE GENE EXPRESSION | 23/05/2011 | Patent granted vide order dated 22 June 2020 |
| 51. | 7957/ DELNP/2010 | MJN U.S. HOLDINGS LLC, | NUTRITIONAL COMPOSITIONS CONTAINING PUNICALAGINS | 11/11/2010 | Application refused vide order dated 19 March 2020 |
| 52. | 7499/ CHENP/2009 | SCINOPHARM TAIWAN, LTD. | CRYSTALLINE POLYMORPH OF 7-ETHYL-10-HYDROXY- CAMPTOTHECIN | 22/12/2009 | Patent refused vide order delivered in June 2018 |
| 53. | 2498/ MUM/2011 | GRASIM INDUSTRIES LIMITED | A PROCESS FOR MANUFACTURING A COMPOSITE FERTILIZER | 07/09/2011 | Patent granted vide order dated 16 March 2020 |
| 54. | 3862/ CHENP/2011 | ASTELLAS DEUTSCHLAND GMBH | ORAL DOSAGE FORMS OF BENDAMUSTINE | 03/06/2011 | Patent granted vide order dated 16 March 2020 |
| 55. | 5628/ DELNP/2009 | KAO CORPORATION, | TWO-PART HAIR DYE OR BLEACH COMPOSITON | 31/08/2009 | Patent granted vide order dated 17 January 2020 |
| 56. | 1300/ KOLNP/2012 | BIO AGENS RESEARCH AND DEVELOPMENT - BARD, S.R.O. | ANTIFUNGAL MIXTURE WITH FUNGAL ORGANISM PYTHIUM OLIGANDRUM | 29/05/2012 | Patent granted vide order dated 20 February 2020 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|----------------------|--|--|----------------|---|
| 57. | 1156/ DEL/2009 | STERLING AGRO INDUSTRIES LIMITED., | A PROCESS FOR PRODUCTION OF LOW CHOLESTEROL GHEE | 05/06/2009 | Application refused vide order dated 14 May 2018 |
| 58. | 6001/ CHENP/2010 | SALIX PHARMACEUTICALS LTD. | FORMS OF RIFAXIMIN AND USES THEREOF | 23/09/2010 | Application refused vide order dated 17 May 2018 |
| 59. | 2940/ DELNP/2007 | NOVO NORDISK A/S | INJECTION DEVICE WITH TORSION SPRING AND ROTATABLE DISPLAY | 19/04/2007 | Patent granted vide order dated 18 July 2018 |
| 60. | 1352/ MUM/2013 | RUPAK ENTERPRISES (P) LTD. | HERBAL COMPOSITIONS FOR MANAGEMENT AND TREATMENT OF JOINT AND MUSCLE PAIN IN VERTEBRATES | 10/04/2013 | Application refused vide order dated 04 September 2018 |
| 61. | 10578/ DELNP/2008 | 1. MONSANTO TECHNOLOGY LLC. 2. BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA | MODIFIED DICAMBA MONOOXYGENASE ENZYMES CAPABLE OF CONFERRING TOLERANCE TO THE HERBICIDE DICAMBA IN TRANSGENIC PLANTS | 22/12/2008 | Patent granted vide order dated 18 September 2018 |
| 62. | 10157/ DELNP/2008 | HARTINGTON BUSINESS, S.L | A PROCESS FOR OBTAINING AN ISOLATED STABLE JUGLONE EXTRACT OF WALNUTS | 08/12/2008 | Patent granted vide order dated 13 September 2018 |
| 63. | 2645/ DEL/2005 | SHUBHASH CHANDER SEHGAL | ERBO-MINERAL COMPOUND FORMULATION FOR THE MANAGEMENT OF MATRITY ONSET DIABETES MELLITUS | 04/10/2005 | Application "In Order for Grant Under Section 43, Awaiting NBA Approval" vide order dated 18 September 2018 |
| 64. | 10018/ DELNP/2008 | ALMIRALL, S.A. | PROCESS FOR MANUFACTURING 3(R)-(2-HYDROXY-2,2-DITHIEN-2-YLACETOXY)-1-(3-PHENOXYPROPYL)-1-AZONIABICYCLO [2.2.2]OCTANE BROMIDE | 02/12/2008 | Patent granted vide order dated 25 October 2018 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|-----------------|---|---|----------------|---|
| 65. | 177/MUM/2010 | 1. CONCEPT MEDICAL RESEARCH PRIVATE LIMITED 2. ENVISION SCIENTIFIC PRIVATE LIMITED | DRUG-ELUTING INSERTABLE MEDICAL DEVICE FOR TREATING ACUTE MYOCARDIAL INFARCTION, THROMBUS CONTAINING LESIONS AND SAPHENOUS-VEIN GRAFT LESIONS | 22/01/2010 | Application refused vide order dated 10 April 2018 |
| 66. | 960/MUM/2009 | APEX LABORATORIES PRIVATE LIMITED | A NOVEL CREAM AND A PROCESS TO MANUFACTURE THE SAME | 13/04/2009 | Patent granted vide order dated 10 October 2018 |
| 67. | 3735/DELNP/2012 | GLAXO-SMITHKLINE LLC | BENZODIAZEPINE BROMODOMAIN INHIBITOR | 27/04/2012 | Patent granted vide order dated 20 September 2018 |
| 68. | 779/KOLNP/2012 | CHIESI FARMACEUTICI S.P.A. | PRESSURIZED METERED DOSE INHALER COMPRISING FORMOTEROL AND BECLOMETASONE DIPROPIONATE | 30/03/2012 | Patent granted vide order dated 12 October 2018 |
| 69. | 2111/DELNP/2006 | SEATTLE GENETICS, INC. | ANTIBODY-DRUG CONJUGATES AND INTERMEDIATES | 18/04/2006 | Patent granted vide order dated 04 December 2018 |
| 70. | 1440/DEL/2011 | CRYSTAL CROP PROTECTION LIMITED | A BROAD SPECTRUM INSECTICIDAL COMPOSITION FOR AGRICULTURAL CROPS | 19/05/2011 | Patent granted vide order dated 06 November 2018 |
| 71. | 2226/DEL/2010 | DABUR INDIA LIMITED | FLAVOURED AYURVEDIC FORMULATION AND PROCESS THEREOF | 17/09/2010 | Application refused vide order dated 03 December 2018 |
| 72. | 277/DEL/2008 | THE ENERGY AND RESOURCES INSTITUTE (TERI) | NOVEL BIOPESTICIDE COMPOSITIONS AND METHOD FOR ISOLATION AND CHARACTERIZATION OF SAME | 31/01/2008 | Application refused vide order dated 03 December 2018 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|---------------------|--|--|----------------|---|
| 73. | 7112/ DELNP/2009 | IRONWOOD PHARMACEUTICALS INC. | METHODS AND COMPOSITIONS FOR THE TREATMENT OF GASTROINTESTINAL DISORDERS | 04/11/2009 | Application refused vide order dated 07 December 2018 |
| 74. | 2811/ MUMNP/2010 | AKZO NOBEL CHEMICALS INTERNATIONAL B.V. | SURFACTANT BLENDS USEFUL IN AGRICULTURE | 29/12/2010 | Application refused vide order dated 22 April 2018 |
| 75. | 1802/ KOLNP/2011 | GRÜNENTHAL GMBH | NOVEL AND POTENT TAPENTADOL DOSAGE FORMS | 02/05/2011 | Patent granted vide order dated 19 August 2019 |
| 76. | 329/ MUM/2013 | GHARDA CHEMICALS LTD. | A PROCESS FOR THE PREPARATION OF 4,6-DIMETHOXY-2- (METHYLSULFONYL) PYRIMIDINE | 18/02/2013 | Patent granted vide order dated 10 October 2019 |
| 77. | 2260/ KOLNP/2008 | GLAXO GROUP LIMITED | MANIFOLD FOR USE IN MEDICAMENT DISPENSER | 04/06/2008 | Patent granted vide order dated 05 July 2019 |
| 78. | 3656/ KOLNP/2008 | INDENA S.P.A. | PHOSPHOLIPID COMPLEXES OF CURCUMIN HAVING IMPROVED BIOAVAILABILITY | 08/09/2008 | Application refused vide order dated 30 May 2019 |
| 79. | 465/ MUM/2013 | GHARDA CHEMICALS LTD. | A PROCESS FOR THE PREPARATION OF BISPYRIBAC SODIUM | 18/02/2013 | Patent granted vide order dated 21 June 2019 |
| 80. | 6897/ CHENP/2010 | VIVUS, INC. | A PHARMACEUTICAL COMPOSITION FOR EFFECTING WEIGHT LOSS AND TREATING OBESITY | 26/10/2010 | Patent granted vide order dated 21 June 2019 |
| 81. | 2365/ MUM/2008 | SERUM INSTITUTE OF INDIA PRIVATE LIMITED | STABLE, DRIED ROTAVIRUS VACCINE, COMPOSITIONS AND PROCESS FOR PREPARATION THEREOF | 07/11/2008 | Patent granted vide order dated 28 March 2018 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|---------------------|--|---|----------------|---|
| 82. | 2926/ MUM/2012 | LAXMI ORGANIC INDUSTRIES LTD. | A METHOD AND APPARATUS FOR CONTINUOUS MANUFACTURING OF ACEPHATE | 05/10/2012 | Patent granted vide order dated 16 April 2018 |
| 83. | 4257/ DELNP/2011 | CENTRIENT PHARMACEUTICALS NETHERLANDS B.V. | MUTANT PENICILLIN G ACYLASES | 06/06/2011 | Patent granted vide order dated 26 August 2019 |
| 84. | 5193/ DELNP/2009 | AMPIO PHARMACEUTICALS INC . | TREATMENT OF COMORBID PREMATURE EJACULATION AND ERECTILE DYSFUNCTION | 11/08/2009 | Application refused vide order dated 13 March 2018 |
| 85. | 840/ MUM/2008 | 1. EXCEL CROP CARE LIMITED 2. C C SHROFF RESEARCH INSTITUTE | IMPROVED FUNGICIDAL FORMULATION SUITABLE FOR ORGANIC AGRICULTURE | 11/04/2008 | Patent granted vide order dated 12 March 2018 |
| 86. | 4256/ KOLNP/2009 | RICHTER GEDEON NYRT. | A PROCESS FOR THE PREPARATION OF NOVEL PIPERAZINE SALTS AS D3/D2 ANTAGONISTS | 08/12/2009 | Patent granted vide order dated 26 February 2018 |
| 87. | 787/ DELNP/2010 | E-THERAPEUTICS PLC | TREATMENT OF MELANOMA | 05/02/2010 | Application refused vide order dated 18 December 2017 |
| 88. | 1732/ MUMNP/2012 | CAMBREX KARLSKOGA AB | NEW PROCESSES FOR PRODUCING BENZOPHENONE DERIVATIVES | 12/07/2012 | Patent granted vide order dated 14 August 2019 |
| 89. | 1865/ DEL/2005 | ALFA WASSERMANN S.P.A. | NEW POLYMORPHOUS FORMS OF RIFAXIMIN, PROCESSES FOR THEIR PRODUCTION AND USE THEREOF IN THE MEDICINAL PREPARATIONS | 18/07/2005 | Patent granted vide order dated 01 March 2017 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|---------------------|--------------------------------------|--|----------------|--|
| 90. | 6756/ CHENP/2009 | GOKARAJU GANGA RAJU | NOVEL APPLICATION OF APHANAMIXIS POLYSTACHYA EXTRACTS OR FRACTIONS AGAINST 5-LIPOXYGENASE MEDIATED DISEASES | 17/11/2009 | Application "In Order for Grant Under Section 43, Awaiting NBA Approval" vide order dated 15 June 2017 |
| 91. | 2301/ MUMNP/2011 | DAIICHI SANKYO COMPANY LIMITED | METHOD FOR PRODUCING OLMESARTAN MEDOXOMIL | 01/11/2011 | Pending (application in hearing) |
| 92. | 2960/ DEL/2010 | LES LABORATOIRES SERVIER | CRYSTALLINE II FORM OF AGOMELATINE OF FORMULA (I) | 10/12/2010 | Patent granted vide order dated 20 September 2017 |
| 93. | 497/ KOLNP/2009 | INDENA S. P. A. | COMPOSITIONS FOR THE TREATMENT OF CHRONIC DEGENERATIVE INFLAMMATORY CONDITIONS | 05/02/2009 | Application refused vide order dated 25 August 2017 |
| 94. | 2080/ CHE/2011 | DR. MANOHAR. P. SHINHASAN | PROCESS FOR PREPARATION OF A PLANT BASED ANTIVIRAL COMPOSITION FOR THE TREATMENT OF HIV AND HIV RELATED ACQUIRED IMMUNO DEFICIENCY SYNDROME | 20/06/2011 | Patent granted vide order dated 03 July 2017 |
| 95. | 961/ CHENP/2012 | F. HOFFMANN-LA ROCHE AG | SUBCUTANEOUS ANTI- HER2 ANTIBODY FORMULATION | 31/01/2012 | Application refused vide order dated 20 July 2017 |
| 96. | 2539/ KOLNP/2010 | MEDA AB | TREATMENT OF COLON DISEASES OR PREVENTION OF COLORECTAL CARCINOMA WITH IMIDAZOQUINOLINE DERIVATIVES | 13/07/2010 | Application refused vide order dated 20 October 2016 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|---------------------|--|--|----------------|---|
| 97. | 372/ KOLNP/2009 | INDENA S.P.A. | TREATMENT AND PREVENTION MUCOSITIS BY ANTHOCYANIDIN DERIVATIVES | 27/01/2009 | Application refused vide order dated 8 July 2016 |
| 98. | 3450/ CHENP/2007 | AISAPACK HOLDING S.A. | OVAL CROSS-SECTION TUBE, METHOD FOR THE PRODUCTION AND DEVICE FOR THE USE THEREOF | 06/08/2007 | Patent granted vide order dated 28 June 2016 |
| 99. | 833/ DEL/2007 | 1. DR.SHAKIR ALI 2. DR.JAFAR SALAMAT KHAN 3. DR. MALIK ZAINUL ABDIN 4. MR. HAMID NAWAZ KHAN | AN EDIBLE VEGETABLE OIL BLEND OF MUSTARD AND RICE BRAN EFFECTIVE AGAINST CARDIOVASCULAR DISEASES | 16/04/2007 | Application refused vide order dated 20 June 2016 |
| 100. | 2132/ MUMNP/2007 | ISLAND LABORATORIES INC. | SYSTEM AND METHOD FOR PROMOTING HAIR GROWTH AND IMPROVING HAIR AND SCALP HEALTH | 17/12/2007 | Application refused vide order dated 31 May 2016 |
| 101. | 3642/ KOLNP/2007 | VECTA, LTD. | COMPOSITIONS AND METHODS FOR INHIBITING GASTRIC ACID SECRETION | 27/09/2007 | Application refused vide order dated 29 April 2016 |
| 102. | 462/ CHE/2010 | 1. NANDEPU, VENKATESWARA RAO 2. BATHINA, SATYANARAYANA | PROCESS FOR PREPARING PRAZOLE PRECURSORS | 23/02/2010 | Patent granted vide order dated 20 March 2018 |
| 103. | 2645/ MUMNP/2008 | VECTA LTD. | COMPOSITIONS AND METHODS FOR INHIBITING GASTRIC ACID SECRETION USING DERIVATIVES OF SMALL DICARBOXYLIC ACIDS IN COMBINATION WITH PPI | 12/12/2008 | Application refused vide order delivered in March 2016. |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|---------------------|--|---|----------------|--|
| 104. | 7710/ DELNP/2006 | BAYER SCHERING PHARMA AG | TREATMENT OF B-CELL LYMPHOMA | 19/12/2006 | Application refused vide order dated 29 December 2015 |
| 105. | 355/ DELNP/2010 | ABBVIE BIOTECHNOLOGY LTD. | MULTIPLE-VARIABLE DOSE REGIMEN FOR TREATING TNFX RELATED DISORDERS | 18/01/2010 | Application refused vide order dated 22 December 2015 |
| 106. | 871/ KOLNP/2006 | SENJU PHARMACEUTICAL CO., LTD. | OPHTHALMIC COMPOSITION FOR CONTACT LENS | 07/04/2006 | Application refused vide order dated 25 August 2015 |
| 107. | 4766/ CHENP/2009 | EISAI R&D MANAGEMENT CO., LTD. | CRYSTAL, AMORPHOUS FORM AND SALT OF METHYL N-[3-(6,7-DIMETHOXY- 2-METHYLAMINO- QUINAZOLIN- 4-YL)PHENYL] TEREPHTHALAMIC ACID | 13/08/2009 | Application abandoned under section 21(1) |
| 108. | 3867/ KOLNP/2009 | ZIOPHARM ONCOLOGY, INC. | SALTS OF ISOPHOSPHORAMIDE MUSTARD AND ANALOGS THEREOF | 06/11/2009 | Application refused vide order dated 12 October 2015 |
| 109. | 4724/ DELNP/2009 | BOEHRINGER INGELHEIM INTERNATIONAL GMBH | EXTENDED RELEASE FORMULATION OF NEVIRAPINE | 20/07/2009 | Application refused vide order dated 19 October 2015 |
| 110. | 7733/ DELNP/2010 | CORTHERA, INC. | METHOD OF PREVENTING PREMATURE DELIVERY | 01/11/2010 | Application abandoned by applicant. |
| 111. | 2489/ DELNP/2013 | NOVARTIS AG | PHARMACEUTICAL COMPOSITIONS CONTAINING A DGAT1 INHIBITOR | 20/03/2013 | Application abandoned under section 21(1) vide order dated 22 January 2019 |
| 112. | 4972/ KOLNP/2011 | GILEAD PHARMASSET LLC | N-[(2'R) -2' DEOXY- 2'-FLUORO-2'- METHYL-P-PHENYL-5'- URIDYLYL] -L-ALANINE 1-METHYLETHYL ESTER AND PROCESS FOR ITS PRODUCTION | 09/12/2011 | Patent granted vide order dated 15 September 2020 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|----------------------|---|---|----------------|--|
| 113. | 3266/ DEL/2013 | RAJKUMAR ARORA | A PROCESS OF PREPARING AN EDIBLE PACKAGED FORM PACKED IN A FILM | 04/11/2013 | Patent granted vide order dated 27 February 2020 |
| 114. | 4108/ KOLNP/2008 | INDENA S.P.A. | PHOSPHOLIPID COMPLEXES OF OLIVE FRUITS OR LEAVES EXTRACTS HAVING IMPROVED BIOAVAILABILITY | 10/10/2008 | Application refused vide order dated 25 February 2020 |
| 115. | 2933/ DELNP/2009 | BRISTOL-MYERS SQUIBB HOLDINGS IRELAND UNLIMITED COMPANY | PROCESS FOR PREPARING ATAZANAVIR BISULFATE AND NOVEL FORMS | 01/05/2009 | Application refused vide order dated 21 May 2021 |
| 116. | 4041/ KOLNP/2012 | THERACOS SUB, LLC | CRYSTALLINE FORM OF BENZYL BENZENE SGLT2 INHIBITOR | 19/12/2012 | Application refused vide order dated 30 July 2021 |
| 117. | 10424/ DELNP/2011 | ARLANXEO DEUTSCHLAND GMBH | REACTOR AND METHOD FOR CONTINUOUS POLYMERIZATION | 30/12/2011 | Patent granted vide order dated 29 April 2021 |
| 118. | 1327/ DEL/2006 | OZONE PHARMACEUTICALS LTD. | PHARMACEUTICAL COMPOSITIONS OF CALCIUM DOBESILATE | 01/06/2006 | Patent granted vide order dated 31 March 2021 |
| 119. | 1065/ DEL/2009 | MAROZHUKAYIL JOSEPH JOSE | A PROCESS FOR PREPARATION OF A COMPOSITION USEFUL FOR TREATMENT OF SKIN DISEASES SUCH AS FUNGAL SKIN INFECTION, BACTERIAL SKIN INFECTIONS, VIRUS INFECTIONS LIKE ECZEMA, PSORIASIS, SCABIES, ALLERGIES ETC | 25/05/2009 | Application refused vide orders dated 26 October 2017 and 16 March 2021 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|---------------------|--|--|------------------|--|
| 120. | 4638/ CHE/2012 | KABADI, NAGRAJ N | PROCESS FOR BLENDING TARTRAZINE COLOUR WITH TEA POWDER | 06/11/2012 | Application refused vide order dated 30 March 2022 |
| 121. | 1417/ CHENP/2010 | IDORSIA PHARMACEUTICALS LTD | 4-PYRIMIDINE- SULFAMIDE DERIVATIVE | 12/03/2010 | Pending (application in hearing) |
| 122. | 3947/ MUM/2014 | GSP CROP SCIENCE PVT. LTD. | NOVEL FORMULATION OF ACEPHATE AND PROFENOFOS | 10/12/2014 | Patent granted vide order dated 18 September 2020 |
| 123. | 6675/ CHENP/2010 | REPROS THERAPEUTICS INC | PROGESTERONE ANTAGONISTS SUCH AS CDB-4124 IN THE TREATMENT OF BREAST CANCER | 19/10/2010 | Application refused vide order dated 21 September 2020 |
| 124. | 1135/ KOLNP/2011 | IRONWOOD PHARMACEUTICALS INC. | STABLE SOLID FORMULATION OF A GC-C RECEPTOR AGONIST POLYPEPTIDE SUITABLE FOR ORAL ADMINISTRATION | 15 March 2011 | Patent granted vide order dated 18 November 2020 |
| 125. | 1916/ CHE/2009 | MUNISEKHAR MEDASANI | NATURAL EXTRACT FROM WHOLE BANANA FRUIT (MUSA SPP.) | 12/08/2009 | Application refused vide order dated 01 February 2021 |
| 126. | 3079/ CHENP/2012 | MEDAC GMBH | PROCESS FOR PRODUCING CRYSTALLINE 4'-EPIDAUNORUBICIN HYDROCHLORIDE | 04/04/2012 | Patent granted vide order dated 22 January 2021 |
| 127. | 4849/ KOLNP/2007 | GLAXO- SMITHKLINE BIOLOGICALS S.A. | IMMUNOGENIC COMPOSITION | 12/12/2007 | Patent granted vide order dated 08 January 2020 |
| 128. | 3547/ CHE/2010 | DR. ABRAHAM EBENEZER MUTHUNAYAGAM | PROCESS, SYSTEM AND CONFIGURATION FOR INTEGRATED OCEAN ENERGY CUM DESALINATION SYSTEM | 24/11/2010 | Application refused vide order dated 27 November 2019 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|---------------------|--|---|----------------|---|
| 129. | 2748/ DELNP/2009 | BAYER INTELLECTUAL PROPERTY GMBH | PESTICIDE COMPOSTION COMPRISING PROPAMOCARB- HYDROCHLORIDE AND AN INSECTICIDE ACTIVE SUBSTRANCE | 27/04/2009 | Application refused vide order dated 21 November 2019 |
| 130. | 2564/ DEL/2007 | L'OREAL | PHOTOPROTECTIVE CREAM BASED ON A FATTY ACID | 06/12/2007 | Application under litigation |
| 131. | 3539/ DELNP/2009 | TACTICAL THERAPEUTICS, INC. | USE OF CARBO- XYAMIDOTRIAZOLE (CAI) OROTATE IN MACULAR DEGENERATION | 01/06/2009 | Application refused vide order dated 9 October 2019 |
| 132. | 5074/ DELNP/2010 | GENENTECH, INC. | COMPOSITION COMPRISING ANTIBODY THAT BINDS TO DOMAIN II OF HER2 AND ACIDIC VARIANTS THEREOF | 13/07/2010 | Application withdrawn. |
| 133. | 2507/ DEL/2010 | CRYSTAL CROP PROTECTION LIMITED | "BROAD SPECTRUM INSECTICIDAL COMPOSITION FOR AGRICULTURAL CROPS" | 21/10/2010 | Patent granted vide order dated 31 December 2019 |
| 134. | 2862/ CHENP/2010 | SUNESIS PHARMACEUTICALS INC | METHODS OF USING (+)-1,4-DIHYDRO-7- [(3S,4S)-3-METHOXY- 4-(METHYLAMINO)- 1-PYRROLIDINYL]-4- OXO-1-(2-THIAZOLYL)- 1,8-NAPHTHYRIDINE- 3-CARBOXYLIC ACID IN COMBINATION THERAPY | 14/05/2010 | Application refused vide order dated 08 January 2018 |
| 135. | 3131/ KOLNP/2011 | REATA PHARMACEUTICALS INC. | DELAYED RELEASE, ORAL DOSAGE COMPOSITIONS THAT CONTAIN AMORPHOUS CDDO- ME | 25/07/2011 | Application refused vide order dated 22 March 2017 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|---------------------|---|--|----------------|--|
| 136. | 1324/ MUM/2009 | CONCEPT MEDICAL RESEARCH PRIVATE LIMITED | RE-ESTABLISHMENT OF BLOOD FLOW IN BLOCKED HUMAN ARTERIES BY TRANSFERRING NANO- ENCAPSULATED DRUG THROUGH MEDICAL DEVICES, DESIGNED FOR THE SAME AND RELEASING THE NANO- ENCAPSULATED DRUG IN HUMAN ARTERY WITH BODY PH. | 29/05/2009 | Application refused vide order dated 24 September 2020 |
| 137. | 1746/ MUM/2008 | LINCOLN PHARMACEUTICALS LIMITED | A PHARMACEUTICAL FORMULATION FOR PARACETAMOL INJECTION | 18/08/2008 | Application refused vide order dated 18 June 2020 |
| 138. | 3530/ DELNP/2010 | BAYER INTELLECTUAL PROPERTY GMBH | "ACTIVE COMPOUND COMBINATIONS" | 19/05/2010 | Application refused vide order dated 19 February 2020 |
| 139. | 719/ CHENP/2007 | PHILERA NEW ZEALAND LIMITED | SYNTHESIS OF TRIETHYL- ENETETRAMINES | 19/02/2007 | Patent granted vide order dated 15 July 2019 |
| 140. | 307/ DELNP/2004 | RUTGERS, THE STATE UNIVERSITY OF NEW -JERSEY AND THE GENERAL HOSPITAL CORPORATION | "MULLERIAN INHIBITING SUBSTANCE LEVELS AND OVARIAN RESPONSE" | 10/02/2004 | Patent granted vide order dated 23 July 2019 |
| 141. | 2072/ MUMNP/2008 | LRC PRODDUCTS LIMITED | POLYISOPRENE CONDOMS | 26/09/2008 | Patent granted vide order dated 09 March 2018 |
| 142. | 2234/ DELNP/2007 | TEVA PHARMACEUTICAL INDUSTRIES, LTD | "PROCESS FOR PREPARATION OF MIXTURE OF POLYPEPTIDES USING PURIFIED HYDROBROMIC ACID" | 22/03/2007 | Applicant withdrew the application, and it was mentioned in the Order dated 23 November 2017 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|---------------------|---------------------------|---|----------------|--|
| 143. | 1353/ MUM/2008 | PAWAN SAHARAN | MAMMALIAN COLOSTRUM DERIVED NANOPEPTIDES FOR BROADSPECTRUM VIRAL / RECURRENT INFECTIONS WITH METHOD OF ISOLATION | 27/12/2008 | Patent granted under Section 43, awaiting NBA approval vide order dated 20 December 2016 |
| 144. | 4938/ KOLNP/2007 | PLEXXIKON, INC. | VEMURAFENIB AND ITS COMPOSITIONS | 19/12/2007 | Patent granted vide order dated 21 June 2017 |
| 145. | 78/ KOLNP/2010 | GRÜNENTHAL GMBH | CRYSTALLINE FORM A OF (-)-(1R,2R)-3-(3-DIMETHYLAMINO-1-ETHYL-2-METHYLPROPYL)-PHENOL HYDROCHLORIDE | 06/01/2010 | Application refused vide order dated 07 September 2017 |
| 146. | 3463/ MUM/2011 | CADILA HEALTHCARE LIMITED | "PROCESS FOR THE PREPARATION OF WATER SOLUBLE FERRIC CARBOHYDRATE COMPLEX." | 09/12/2011 | Application withdrawn by the applicant and same was mentioned in the order dated 20 September 2019 |
| 147. | 1337/ MUM/2009 | CONCEPT MEDICAL INC. | REJUVENATING CORONARY ARTERY BY IMPROVING BLOOD FLOW WITH THE HELP OF INSERTION OF NANO-BALLS (ENCAPSULATED NANOPARTICLES) CONTAINING THERAPEUTIC AGENTS BY NON-IMPLANTABLE DEVICE FOR TISSUES AND THEREBY PROVIDING IN TISSUE RELEASE TO ADDRESS THE REQUIRED CELL CYCLE | 02/06/2009 | Application refused vide order dated 04 March 2020 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|---------------------|---|---|----------------|---|
| 148. | 2645/ MUM/2008 | APEX LABORATORIES PRIVATE LIMITED | A NOVEL DERMACEUTICAL CREAM MADE USING SODIUM FUSIDATE | 19/12/2008 | Patent granted vide order dated 09 December 2015 |
| 149. | 1430/ DELNP/2011 | PFIZER INC. | DIOXA-BICYCLO[3.2.1] OCTANE-2,3,4-TRIOL DERIVATIVES | 28/02/2011 | Patent granted vide order dated 06 February 2020 |
| 150. | 1777/ CHE/2014 | COROMANDEL INTERNATIONAL LIMITED | NOVEL OIL BASED FUNGICIDAL COMBINATION | 02/04/2014 | Application in hearing |
| 151. | 5857/ CHENP/2008 | AMGEN INC. | LYOPHILIZED THERAPEUTIC PEPTIBODY FORMULATIONS | 28/10/2008 | Application in hearing |
| 152. | 1196/ KOL/2005 | FRESENIUS KABI ONCOLOGY LIMITED | METAXALONE POLYMORPHS | 29/12/2005 | Application refused vide order dated 24 March 2017. |
| 153. | 1185/ KOLNP/2007 | ACTIAL FARMACEUTICA LDA. | DEVICE AND METHOD FOR IDENTIFYING AND TREATING VAGINAL AFFECTIONS. | 04/04/2007 | Application refused vide order dated 30 January 2017 |
| 154. | 1899/ MUM/2008 | MUKESH HARILAL SHUKLA | BIOACTIVE COMPOSITION FOR THE TREATMENT OF THE HIV/AIDS, METHOD FOR MANUFACTURING AND USING THE SAME | 09/09/2008 | Patent granted under Section 43. Awaiting NBA approval vide order date 29 January 2016 |
| 155. | 1001/ MUM/2007 | UPL LIMITED | IMPROVED STORAGE STABLE COMPOSITIONS OF MUTUALLY INCOMPATIBLE INSECTICIDES AND A PROCESS FOR ITS PREPARATION | 29/05/2007 | Application refused vide order dated 8 January 2018 |
| 156. | 109/ DELNP/2007 | 1. PHYTOCEUTICALS LTD., 2. NA | "COMPOSITION COMPRISING NEEM OIL AND OIL EXTRACT OF HYPERICUM PERFORATUM" | 04/01/2007 | Application refused vide order dated 14 September 2018 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|---------------------|------------------------------------|---|----------------|---|
| 157. | 3293/ CHE/2011 | KABADI, NAGRAJ N | PROCESS FOR PREPARING FRESH TEA WITH CHOCOLATE FLAVOR | 23/09/2011 | Patent granted vide order dated 25 September 2017 |
| 158. | 3839/ DEL/2013 | WILLOWOOD CHEMICALS | SYNERGISTIC FUNGICIDAL COMPOSITION | 31/12/2013 | Patent granted vide order dated 20 July 2020 |
| 159. | 28/ CHENP/2014 | ISHIHARA SANGYO KAISHA LTD. | FUNGICIDAL COMPOSITION AND METHOD FOR CONTROLLING PLANT DISEASES | 1/1/ 2014 | Patent granted vide order Dated 24 April 2020 |
| 160. | 134/ MUM/2013 | SWANAND SHRIKANT PATHAK | HERBAL COMPOSITION FOR THE TREATMENT OF THERMAL BURNS” | 15/01/2013 | Application refused vide order dated 24 March, 2021 |
| 161. | 9022/ CHENP/2012 | KYOWA HAKKO BIO CO., LTD | CRYSTALLINE OXIDIZED GLUTATHIONE AND PRODUCTION METHOD THEREFOR | 09/10/2012 | Patent granted vide order dated 05 November 2020 |
| 162. | 3602/ MUM/2014 | BAKSHI, AMIT | STABLE TOPICAL PHARMACEUTICAL COMPOSITIONS COMPRISING GABAPENTIN | 15/11/2014 | Application refused vide order dated 30 November 2019 |
| 163. | 2007/ DELNP/2007 | 1. GENENTECH INC. 2. CURIS, INC | “PYRIDYL INHIBITORS OF HEDGEHOG SIGNALLING” | 15/03/2007 | Application refused vide order dated 06 December 2019 |
| 164. | 2977/ CHENP/2013 | MEDIVATION TECHNOLOGIES LLC | CRYSTALLINE (8S,9R)- 5-FLUORO-8-(4- FLUOROPHENYL)-9- (1-METHYL-1H-1,2,4- TRIAZOL-5- YL)- 8,9-DIHYDRO-2H- PYRIDO[4,3,2-DE] PHTHALAZIN-3(7H)- ONE TOSYLATE SALT | 17/04/2013 | Application refused vide order dated 17 June 2021 |
| 165. | 653/ MUMNP/2014 | AICURIS GMBH & CO. KG | SULFONIC ACID SALTS OF HETEROCYCLYLAMIDE SUBSTITUTED IMIDAZOLES | 11/04/2014 | Application refused vide order dated 02 March 2021 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|----------------------------------|--|---|----------------|---|
| 166. | IN/PCT/2003/00014/DEL (IN238164) | PHARMATOP SCR | METHOD FOR PRODUCING AN AQUEOUS SOLUTION OF AN ACTIVE INGREDIENT OF PHENOLIC NATURE | 02/01/2003 | Patent revoked vide order dated 24 December 2018 |
| 167. | 991/MUMNP/2003 | PFIZER PRODUCTS INC. | CHIRAL SALT RESOLUTION | 27/10/2003 | Patent granted vide order dated 21 August 2020 |
| 168. | 4105/MUM/2014 | GSP CROP SCIENCE PVT. LTD. | NOVEL FORMULATION OF SPINETORAM AND ACEPHATE | 20/12/2014 | Patent granted vide order dated 03 November 2020 |
| 169. | 56/CHENP/2014 | GELESIS LLC | METHOD FOR PRODUCING HYDROGELS | 02/01/2014 | Patent granted vide order dated 20 October 2020 |
| 170. | 3264/DELNP/2010 | BAYER INTELLECTUAL PROPERTY GMBH | PESTICIDAL COMPOUND MIXTURES | 10/05/2010 | Application refused vide order dated 15 October 2020 |
| 171. | 3951/DELNP/2009 | IRM LLC | COMPOUNDS AND COMPOSITIONS AS PROTEIN KINASE INHIBITORS | 16/06/2009 | Patent revoked vide order dated 16 August 2019 |
| 172. | 4266/CHENP/2011 | GELESIS LLC | METHODS AND COMPOSITIONS FOR WEIGHT MANAGEMENT AND FOR IMPROVING GLYCEMIC CONTROL | 16/06/2011 | Application refused vide order dated 05 August 2020 |
| 173. | 201817014361 | THE GLOBAL ALLIANCE FOR TB DRUG DEVELOPMENT INC. | COMBINATION ANTIBACTERIAL COMPOSITION AND SHORT COURSE ANTIBACTERIAL REGIMEN | 16/04/2018 | Pending (Reply Filed. Application in amended examination) |
| 174. | 7192/CHENP/2010 (IN342485) | BASILEA PHARMACEUTICA AG | SOLID DMSO SOLVATE OF COMPOUND OF FORMULA (I) AND PROCESS FOR THE MANUFACTURE OF THE SAME | 08/11/2010 | Patent granted vide order dated 27 July 2020 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|---------------------|--|---|----------------|--|
| 175. | 7363/ DELNP/2008 | TAIGEN BIOTECHNOLOGY CO., LTD. | MALATE SALTS, AND POLYMORPHS OF (3S, 5S)-7-[3- AMINO-5-METHYL- PIPERIDINYL]-1- CYCLOPROPYL-1,4- DIHYDRO-8-METHOXY- 4-OXO-3-QUINOLINE- CARBOXYLIC ACID | 28/08/2008 | Application refused vide order dated 13 February 2020 |
| 176. | 8059/ DELNP/2007 | SENJU PHARMACEUTICAL CO. LTD. | PERCUTANEOUS ABSORPTION FORMULATION | 18/10/2007 | Application refused vide order dated 27 November 2019 |
| 177. | 201637002757 | SANOFI | ANTI-TUBERCULOSIS STABLE PHARMACEUTICAL COMPOSITION IN A FORM OF A COATED TABLET COMPRISING GRANULES OF ISONIAZID AND GRANULES OF RIFAPENTINE AND ITS PROCESS OF PREPARATION | 25/01/2016 | Pending |
| 178. | 3539/ DELNP/2009 | TACTICAL THERAPEUTICS, INC. | USE OF CARBO- XYAMIDOTRIAZOLE (CAI) OROTATE IN MACULAR DEGENERATION | 01/06/2009 | Application refused vide order dated 9 October 2019 |
| 179. | 6886/ CHENP/2008 | H. LUNDBECK A/S | A PROCESS FOR THE PREPARATION OF 1-[2-(2,4-DIMETHYL- PHENYLSULFANYL) PHENYL] PIPERAZINE | 15/12/2008 | Patent granted vide order dated 24 September 2019 |
| 180. | 3659/ KOLNP/2008 | AKZO NOBEL SURFACE CHEMISTRY LLC | PARTHENOLIDE FREE BIOACTIVE INGREDIENTS FROM FEVERFEW (TANACETUM PARTHENIUM) AND PROCESSES FOR THEIR PRODUCTION | 08/09/2008 | Application refused vide order dated 19 September 2019 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|-----------------|--|---|----------------|---|
| 181. | 251/MUM/2011 | SHAH DEEPAK PRANJIVANDAS | PESTICIDAL COMPOSITION | 28/01/2011 | Patent granted vide order dated 23 July 2019 |
| 182. | 1084/DELNP/2006 | 1. AKER SOLUTIONS CANADA INC. 2. CHEMETICS, INC | APPARATUS AND METHOD FOR OSMOTIC MEMBRANE DISTILLATION | 01/03/2006 | Application refused vide order dated 15 July 2019 |
| 183. | 2260/KOLNP/2008 | GLAXO GROUP LIMITED | MANIFOLD FOR USE IN MEDICAMENT DISPENSER | 04/06/2008 | Patent granted vide order dated 5 July 2019 |
| 184. | 901/DELNP/2008 | EXXONMOBIL CHEMICAL PATENTS INC., | PROCESS AND APPARATUS FOR MANUFACTURING ETHYLENE POLYMERS AND COPOLYMERS | 01/02/2008 | Application refused vide order dated 27 June 2019 |
| 185. | 224/CHE/2009 | LAILA NUTRACEUTICALS | COMPOSITION FROM SPHAERANTHUS INDICUS AND GARCINIA MANGOSTANA FOR THE CONTROL OF METABOLIC SYNDROME | 02/02/2009 | Patent granted vide order dated August 25, 2022 |
| 186. | 8004/DELNP/2011 | ABBVIE IRELAND UNLIMITED COMPANY | APOPTOSIS-INDUCING AGENTS FOR THE TREATMENT OF CANCER AND IMMUNE AND AUTOIMMUNE DISEASES | 17/10/2011 | Pending (Reply Filed. Application in amended examination) |
| 187. | 1242/CHE/2010 | MAKHTESHIM-AGAN INDIA PRIVATE LIMITED | AN INSECTICIDAL COMPOSITION AND METHOD OF PREPARATION THEREOF | 03/05/2010 | Application refused vide order dated 19 November 2018 |
| 188. | 2926/MUM/2012 | LAXMI ORGANIC INDUSTRIES LTD. | A METHOD AND APPARATUS FOR CONTINUOUS MANUFACTURING OF ACEPHATE | 05/10/2012 | Application refused vide order dated 16 April 2018 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|---------------------|--|--|----------------|---|
| 189. | 2365/ MUM/2008 | SERUM INSTITUTE OF INDIA PRIVATE LIMITED | STABLE, DRIED ROTAVIRUS VACCINE, COMPOSITIONS AND PROCESS FOR PREPARATION THEREOF | 07/11/2008 | Application refused vide order dated 28 March 2018 |
| 190. | 528/ MUM/2009 | JINA PHARMACEUTICALS INC | LIPID BASED PHARMACEUTICAL PREPARATIONS FOR ORAL AND TOPICAL APPLICATION; THEIR COMPOSITIONS, METHODS AND USES THEREOF | 12/03/2009 | Patent granted vide order dated 13 March 2018 |
| 191. | 2254/ CHENP/2010 | SANOFI-AVENTIS | USE OF NORGESTIMATE AS A SELECTIVE INHIBITOR OF TRPC3, TRPC6 AND TRPC7 ION CHANNELS | 20/04/2010 | Application abandoned under section 21(1) vide order dated 09 July 2018 |
| 192. | 4247/ CHENP/2006 | NOVARTIS AG | A MEDICAMENT COMPRISING GLYCOPYRROLATE AND (R)-5-[2-(5,6-DIETHYL-INDAN-2-YLAMINO)-1-HYDROXY-ETHYL]-8-HYDROXY-1H-QUINOLIN-2-ONE MALEATE | 17/11/2006 | Patent granted vide order dated 29 November 2017 |
| 193. | 1688/ DEL/2007 | MAHAJAN; LALIT | A MICROLISA DENGUE DEVICE FOR DETECTION OF DENGUE IGG ANTIBODIES | 08/08/2007 | Patent granted vide order dated 19 July 2017 |
| 194. | 1608/ DELNP/2007 | THE PROCTER & GAMBLE COMPANY | ORAL CARE COMPOSITION COMPRISING ESSENTIAL OILS | 28/02/2007 | Application abandoned under section 21(1) vide order dated 22 June 2017 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|---------------------|--|---|----------------|---|
| 195. | 382/ CHENP/2010 | ASTELLAS PHARMA INC | PHARMACEUTICAL COMPOSITION FOR IMPROVEMENT OF LOWER URINARY TRACT SYMPTOMS ASSOCIATED WITH PROSTATIC HYPERTROPHY | 20/01/2010 | Application abandoned under section 21(1) vide order dated 23 August 2017 |
| 196. | 2437/ DEL/2008 | PANACEA BIOTEC LIMITED | NOVEL COMBINATION VACCINES WITH WHOLE CELL PERTUSSIS AND METHOD OF MANUFACTURING THE SAME | 24/10/2008 | Patent granted vide order dated 30 March 2016 |
| 197. | 4771/ KOLNP/2010 | SANOFI-AVENTIS | DRONEDARONE FOR THE PREVENTION OF CARDIOVERSION | 14/12/2010 | Application abandoned under section 21(1) |
| 198. | 2653/ DEL/2006 | MAHAJAN LALIT | A KIT FOR ANALYZING THE PRESENCE OF MYCOBACTERIUM TUBERCULOSIS BACILLI ANTIGEN | 12/12/2006 | Patent granted vide order dated 25 January 2017 |
| 199. | 1625/ KOLNP/2007 | AMERICAN HOME PRODUCTS CORPORATION | 2-PHENYL-1-[4-(2- AMINOETHOXY)- BENZYL]-INDOLE IN COMBINATION WITH ESTROGENS | 07/05/2007 | Application refused vide order dated 16 November 2016 |
| 200. | 681/KOL/2010 | MAHAJAN; LALIT | A FILTER DEVICE FOR THE SEPARATION OF PLASMA OR SERUM FROM THE WHOLE BLOOD FOR THE DIAGNOSTIC ASSAY | 24/06/2010 | Application abandoned under section 21(1) vide order dated 05 July 2017 |
| 201. | 881/ CHENP/2008 | GOKARAJU GANGA RAJU | PROCESS FOR PRODUCING ENRICHED FRACTIONS OF TETRAHYDRO- XYCURCUMIN AND TETRAHYDRO- TETRAHYDRO- XYCURCUMIN | 21/02/2008 | Application "In Order for Grant Under Section 43, Awaiting NBA Approval" vide order dated 26 May 2016 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|---------------------|--------------------------------------|---|----------------|---|
| 202. | 1316/ MUMNP/2009 | KNOPP NEUROSCIENCES INC. | COMPOSITIONS AND METHODS OF USING (R)-PRAMIPEXOLE | 14/07/2009 | Application refused vide order dated 03 May 2016 |
| 203. | 4418/ KOLNP/2010 | SANOFI-AVENTIS | USE OF DRONEDARONE ALONE OR IN COMBINATION FOR PREPARING A MEDICAMENT FOR THE TREATMENT OF PATIENTS WITH ARRHYTHMIA AND HAVING AN INCREASE OF CREATININE LEVEL | 23/11/2010 | Application abandoned under section 21(1) vide order dated 16 February 2017 |
| 204. | 178/ MUM/2004 | SANJEEV KHANDELWAL | A SYNERGISTIC ANTIBACTERIAL FORMULATION AND TO A METHOD OF MAKING THE SAME | 16/02/2004 | Patent granted |
| 205. | 4766/ CHENP/2009 | EISAI R&D MANAGEMENT CO.,LTD., | CRYSTAL, AMORPHOUS FORM AND SALT OF METHYL N-[3-(6,7- DIMETHOXY-2- METHYLAMINO- QUINAZOLIN- 4-YL)PHENYL] TEREPHTHALAMIC ACID | 13/08/2009 | Application abandoned under section 21(1) |
| 206. | 753/ DELNP/2009 | BRISTOL-MYERS SQUIBB COMPANY | A COMPOUND OF FORMULA (I) | 02/02/2009 | Patent granted vide order dated 12 October 2017 |
| 207. | 5723/ DELNP/2010 | BRISTOL-MYERS SQUIBB COMPANY | CONFORMATIONALLY RESTRICTED BIPHENYL DERIVATIVES FOR USE AS HEPATITS C VIRUS INHIBITORS | 12/08/2010 | Patent granted vide order dated 24 August 2017 |
| 208. | 7750/ CHENP/2011 | BRISTOL-MYERS SQUIBB COMPANY | HEPATITIS C VIRUS INHIBITORS | 24/10/2011 | Application withdrawn under Section 26 |

| S. NO. | APPLICATION NO. | APPLICATION NAME | TITLE OF PATENT | DATE OF FILING | STATUS |
|--------|---------------------|---|--|----------------|--|
| 209. | 853/ DELNP/2009 | BRISTOL-MYERS SQUIBB HOLDINGS IRELAND UNLIMITED COMPANY | HEPATITIS C VIRUS INHIBITORS | 05/02/2009 | Pending (Reply Filed. Application in amended examination) |
| 210. | 854/ DELNP/2010 | BRISTOL-MYERS SQUIBB HOLDINGS IRELAND UNLIMITED COMPANY | PROCESS FOR SYNTHESIZING COMPOUNDS USEFUL FOR TREATING HEPATITIS C | 08/02/2010 | Application refused vide order dated 22 August 2019 |
| 211. | 9/ MUMNP/2003 | GILEAD SCIENCES, INC. | PRODRUGS OF PHOSPHONATE NUCLEOTIDE ANALOGUES AND METHODS FOR SELECTING AND MAKING SAME | 02/01/2003 | Patent granted |
| 212. | 3865/ KOLNP/2007 | VIIV HEALTHCARE COMPANY | POLYCYCLIC CARBAMOYL- PYRIDONE DERIVATIVE HAVING HIV INTEGRASE INHIBITORY ACTIVITY | 10/10/2007 | Pending (application in hearing) |
| 213. | 3176/ KOLNP/2007 | MITSUBISHI PHARMA CORPORATION | SALT OF PROLINE DERIVATIVE, SOLVATE THEREOF, AND PRODUCTION METHOD THEREOF | 29/08/2007 | Application refused vide order dated 08 December 2015 |



