



Chemtura's Patent restored

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Bombay High Court's division bench sets aside the order of the IPAB revoking Chemtura's patent and directs the Controller of Patents to restore the patent on the e-register. The Intellectual Property Appellate Board (IPAB) had earlier revoked Chemtura's patent IN213608 (granted in 2008) for non-compliance of Section 8 of the Patents Act 1970 and lack of inventive step. Chemtura filed a writ against the decision in the Bombay High Court. [Read about the case on Patents Rewind.](#) The Bombay High Court relied on the observations of the Supreme Court in *Shiv Prasad v. Durga Prasad*: "every applicant has the right to unconditionally withdraw his application and his unilateral act in that behalf is sufficient. No order of the Court is necessary". It concluded that the revocation petition filed post-grant should have been treated as withdrawn pursuant to respondent's intimation to the IPAB to withdraw the petition in August 2009 or at the very latest on the date of the respondent filing a Miscellaneous Petition seeking "unconditional withdrawal", in June 2012. As such, the court held the IPAB to have erred in proceeding with the hearing in the face of the application for withdrawal. It quashed the order of the IPAB revoking the patent, and Patent No. 213608 was restored on the Register of Patents. *Chemtura Corporation v Union of India, Through Secretary Dept of Industrial Policy and Promotion and Ors.; before the Bombay High Court; judgment dated 19.06.2017*

