

IN THE HIGH COURT OF SINDH AT KARACHI

J.M. No.27 of 2025

Date	Order with Signature of Judge
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1. For orders on CMA No.3461/2025.
2. For orders on CMA No.3462/2025.
3. For orders on CMA No.3463/2025.

17.09.2025

Mr. Faisal Siddiqui, Advocate for the applicant.

1. Urgency granted.
2. Issue notice to the respondents.
3. Learned counsel for the applicant contends that the applicant Pharma Co. was in the process of launching its drugs in Pakistan as set out in the table marked as Annexure-J of this application (available on page 365) when it found out that the Patent Office had granted a similar drug Patent Sealing to respondent no.1 on 15.06.2020 (available on page 51). Counsel claims that the said sealing was obtained in a malafide manner and alleges fraud on the part of the respondent no.1 in collusion with the Patent Office. Counsel's submission is based on the provisions of the Patent Ordinance, 2000. First, he took this bench through certain documents issued by the Examiner of Patents available from pages 299 to 309 to demonstrate that no final order as to compliance with the provisions of Section 16 of the Patent Ordinance, 2000, is available on record. Secondly, he contends that, according to the Section 21 Notice issued by the Patents Office on 17.10.2019 (available on page 361), the acceptance was to be published in the Patents' Journal in the next issue after the date at the foot of the said Notice, which date was 17.10.2019. However, allegedly surreptitiously, to protect the patent application from opposition, the Patent Office made the publication on 16.10.2019 (available on page 347). He claims that this violates the substantial compliance of the statutory provisions of the Patent Ordinance, 2000, and that fraud has been played, and, therefore, by way of additional grounds set out in the J. Misc., he seeks revocation of the patent under Section 46 of the Patents Ordinance, 2000. He also seeks temporary suspension of the patent seal based on non-compliance of Sections 16, as the validity of the patent seal is in question with an incomplete examination (Section 16(5)) and he has a more than arguable case / good cause for such relief under Section 7 of the Patents Ordinance based on the facts and circumstances of the case as articulated in this J.Misc. Issue notice to the respondents by all modes, including email addresses (to be provided by the Applicant Counsel) except publication.

To come up on 30.09.2025 at 11:00 a.m.

JUDGE