

### Patent | Case Law Update

## Calcutta High Court Questions Controller's Rejection of Fungicidal Treatment Method

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In May, in an appeal made by Decco Worldwide Post Harvest Holdings B.V & Anr (Decco), the Calcutta High Court [criticized](#) a rejection order issued by the Assistant Controller of Patents and Designs (Controller). Decco had applied for an Indian patent for an invention of a fungicidal treatment method to prevent leaf disease that infects banana plants.

The Court took note of the lack of reasoning by the Controller and their failure to appreciate the facts presented by the Decco. Specifically, the Court was perplexed and questioned the Controller's lack of clear explanation for categorizing the invention, a fungicidal treatment method, as a non-patentable subject matter under section 3(h) of the Act since it deals with the patentability of methods of agriculture and horticulture, not plant treatment methods.

Additionally, the Court observed that the Controller even failed to consider the existence of numerous granted patents that encompassed claims related to similar plant treatment methods. The Court also found the Controller's assessment of the inventive step and sufficiency of disclosure, unreasonable and lacking thorough examination of the invention as well as the prior art and teachings provided.

Consequently, the Court overturned the refusal order and remanded the case to the Indian Patent Office for fresh adjudication, ensuring that Decco is granted a hearing at the earliest.

