



I The Viewpoint

This patent trial in India took just 3 months - A model for all commercial cases

The Delhi High Court completed a patent trial in three months using existing summary procedures and strict case management, setting a model for fast commercial litigation.



Sarath Prakash

Sarath Prakash

Sarath Prakash

Published on: 17 Jul 2026, 11:08 am • 5 min read

Follow Us



Listen to this article

Three months. That's how long the entire trial took in a patent dispute before the Delhi High Court.

The *Communication Components Antenna Inc. v. Rosenberger Hochfrequenztechnik GmbH & Co. KG & Ors.* (CS(COMM) 653/2019), judgment from the Delhi High Court sets the benchmark on how courts can leverage summary provisions to prevent the usual process delays in deciding complex commercial disputes – especially patent disputes. While the intellectual property lawyers discuss this case law for introducing the “Dartboard Model” while



using the existing rules, the single bench showed how the customary delay plaguing the system can be removed by appealing to the fairness of the parties and enforcing fair principles in not just the adjudication, but also the process of adjudication. In doing so, the Court set out a textbook example on how to conduct expedited trials in commercial matters.

The suit

The infringement suit, filed by Communication Components Antenna Inc. (hereinafter as 'CCA') against Rosenberger Hochfrequenztechnik GmbH & Co. KG (hereinafter as 'Rosenberger') and its sister concerns, is a dispute centered on Indian Patent No. 240893, titled "*Asymmetrical Beams For Spectrum Efficiency*", originally granted to CCA's predecessor, TenXc Wireless Inc.. The technology relates to split-sector antennas that increase subscriber capacity in cellular networks by using asymmetrical sub-sector coverage areas. It is one of the four litigations related to the suit patent.

The suit was filed in December 2019, the counter claim was filed in July 2022. CCA alleged infringement of the suit patent in 11 products of the defendants and prayed for injunction and damages. While the defendants defended the claims alleging invalidity of the suit patent under multiple provisions. The issues that were to be decided by the Court were on: -

1. Infringement;
2. Revocation;
3. Damages;
4. Injunction; and
5. Reliefs

The expedited trial - A model

This case sets a model procedure not only for IP litigation but for all commercial litigations - merely by strictly enforcing the existing provisions and rules. The steps adopted by the Court, taking consent from the parties to expedite the trial, are listed below:

1. Adoption of summary adjudication as per Rule 16 of the High Court of Delhi Rules Governing Patent Suits, 2022.
2. Faster setting up of confidentiality club.
3. Leading evidence of **only 1 technical and 1 non-technical witness** per side.



7. Cross examination before the Court was done with software-assisted live transcription (by Opus 2 Singapore PTE Ltd), by engaging a private agency, whose costs were borne equally by parties.
8. Witnesses of each side were **cross-examined on a single day with a time limit of 1.5 hours for each witness.**
9. In cross examination necessity for giving suggestions was dispensed with and was conducted only on the core evidence being tendered by the witnesses.
10. Audio recordings of testimony were stored on pen drives and retained as part of records.
11. For convenience, the trial bundles of pleadings, documents, etc. were prepared by parties in consultations with each other.

The above steps enabled completion of the trial within a period of 3 months, between framing of issues in July 2023 and the conclusion of evidence in September 2023.

The “Dartboard Model” - Analysing prior arts

While dealing with prior art in the analysis of the inventive step, the Court introduced the term **“Dartboard Model”** to indicate a practice adopted by Defendants which ought not to be permitted by the Courts. The Court explains the “Dartboard Model” as follows:

1. At the centre of the dartboard is the suit patent.
2. The prior arts are the darts being slung by the defendants with the fervent hope that one would hit the ‘Bulls-Eye’.
3. The Court held that these attempts to reverse-engineer a case for obviousness with hindsight bias and randomly citing prior arts, **without showing linkage with the suit patent**, are impermissible as it adversely affects the plaintiff who needs to address all these random documents at the expense of his resources.
4. The Court rightly observed that this “Dartboard” approach of defendants ought to be dealt with imposition of heavy costs.

The infringement

The Court was faced with an unique situation wherein the impugned products, being customised antennas, were not available for testing and comparison with the



...the defendants' conduct was rather suspicious and was aimed at making it difficult for CCA to prove infringement. Not only did they take down a few of their brochures with beam patterns during the proceeding, they also failed to present any of their products or beam patterns before the Court. Defendants merely challenged the CCA's simulation **without producing any of their own beam patterns**. Further, the Gillette defence adopted by defendants did not succeed factually.

The Court observed that the defendants had withheld their best evidence while CCA had produced their best evidence. In such a situation, the Court observed that CCA discharged its initial onus while defendants failed to disprove the same. Therefore, the Court arrived at conclusion that CCA sufficiently proved the infringement.

The relief

The Court granted a **permanent injunction against the defendants** and also granted damages worth **INR 152 crores with 7% interest** in case not paid within the prescribed time. The damages were computed using a license fee or royalty rates perusing the third party license. The Court observed that defendants ought not to be treated as a *bonafide* licensee and imposed a higher percentage as royalty on sales. Further, considering the conduct of defendants, the Court also awarded the entire **actual costs in favour of CCA**. Again, this was another classic example of how to enforce an existing provision to meet ends of justice. Further, a Certificate of validity granted for suit patent as it was found to be valid.

Conclusion

This decision is a significant one as it paves way for an efficient and expeditious procedure to resolve the disputes. This decision provides a patent holder with an effective and efficient procedure for enforcing their intellectual property rights with provisions to penalise procedural misconduct through realistic cost awards.

But it has to be remembered that adoption of the same is more dependent on the parties being fair and reasonable and most importantly, on the counsels as well. The Advocates must show the willingness to adopt the efficient process and be ready for this fast paced schedule unlike the usual dilatory slow schedule. This decision ensures that disputes are resolved effectively and in a timely manner.

About the author: *Sarath J. Prakash is a Senior Associate at [Singh & Singh Law Firm LLP](#).*



Bench, please fill in the form available [here](#).

- Delhi High Court
- Patent Infringement
- The Viewpoint
- Singh & Singh Law Firm LLP
- Sarath Prakash

[News](#)[Interviews](#)[Columns](#)[Viewpoint](#)[Dealstreet](#)[Student Subscription](#)[Latest Legal News](#)[Supreme Court of India](#)[Follow Us](#)[Subscribe](#)[Terms Of Use](#) | [Privacy Policy](#) | [Contact Us](#) | [Careers](#) | [Advertise with us](#) | [About us](#)

Copyright © 2021 Bar and Bench. All Rights Reserved

Powered by [Quintype](#)