

*Strix Ltd v Maharaja Appliances Ltd* (6.11.2009) ([Delhi High Court order](#))

If you have an electric kettle at home, there's probably Strix inside it. [SpicyIP](#) had a nice post on the above judgment. The Delhi High Court granted interim injunction restraining Maharaja Appliances from manufacturing and marketing Maharaja Whiteline electric kettle Model No EK 172 as it infringed Strix's patent (IN 1,92,511, [US 6,080,968](#)). In granting injunction, the Court made two critical observations on why Maharaja failed to discharge its burden of raising a 'credible challenge' to the validity of the Strix patent.

First, the court observed that the defendant failed to place on record some acceptable scientific material, supported or explained by the evidence of an expert, that the patent is prima facie vulnerable to revocation. Secondly, the court observed that the burden on the defendant to show that it has put forward a credible challenge will be greater on account of the fact that there was no opposition filed to challenge Strix's patent.

Prospective defendants in patent infringement suits may see a new meaning in using pre-grant opposition.

Other Strix cases:

*Strix v Otter Controls* [1991] F.S.R. 354 (Court of Appeal rebukes mini-trial)