



Kingtime v Petronas Carigali: A Landmark Patent Battle That Could Reshape Malaysian Patent Law

After years of courtroom twists and turns, Kingtime International Ltd has emerged victorious in a high-stakes patent showdown against Petronas Carigali Sdn Bhd, with the Court of Appeal overturning a 2023 High Court decision that had dismissed Kingtime's infringement suit and invalidated its patents.

At the heart of the dispute? A mobile offshore production unit (MOPU) with a detachable wellhead support structure built using Kingtime's patented invention. Kingtime claimed that Petronas Carigali had taken delivery of this MOPU from a third-party manufacturer and used it, fully aware that it incorporated their patented technology.

But the legal drama didn't stop there. In May 2022, years after Kingtime first sued and after leave to appeal to the apex court against a finding of infringement and validity of the Kingtime patents by the manufacturer in a related suit had been dismissed, Petronas Carigali sought to invalidate Kingtime's patents. What followed was a 12-day trial,

culminating in a blow for Kingtime in August 2023, when the High Court sided with Petronas on both fronts. Kingtime appealed. After five days of hearings spread across three sessions—in October 2024, February 2025, and May 2025—the tide turned. The Court of Appeal not only revived Kingtime's patents and found infringement by Petronas Carigali, it also ordered, a refund of RM800,000 in costs that Kingtime had to Petronas Carigali, an additional RM950,000 in appellate costs to be paid by Petronas Carigali and remittance of damages to the High Court for assessment.

A judicial milestone

While the full grounds of judgment are not yet available, this case tackled several important issues in Malaysian patent law at the Court of Appeal:

- **Res Judicata (Judgments Binding on Privies):** The Court of Appeal ruled that Petronas Carigali, as the user of the infringing MOPU, was bound by the earlier decision against the manufacturer. The Court of Appeal found that Petronas Carigali and the manufacturer were privies by virtue of their conduct and close connection. This challenges the High Court's stance that users may escape liability even when the very same product has already been deemed infringing.
- **Double Recovery and Account of Profits:** Can a patent holder recover from both the maker and the user of an infringing product? And can they claim profits instead of just damages?
- **Patent Claim Construction:** Kingtime argued that the High Court's rigid literal approach to interpreting claims, especially where clerical errors and inconsistencies were obvious, ought to be rejected.
- **Inventive Step & Prior Art:** Kingtime argued that the High Court's finding of a lack of inventive step ought to be overturned due to lack of expert evidence and improper mosaicking of prior art. The analysis must be grounded in the perspective of a person skilled in the art without the benefit of hindsight.

What's next?

With damages now headed back to the High Court for assessment, the financial implications for Petronas Carigali could be significant. But beyond the numbers, this case sets a powerful precedent—reshaping how Malaysian courts approach patent enforcement, claim interpretation, and remedies. For inventors, legal practitioners, and corporations navigating the complex world of IP, *Kingtime v Petronas Carigali* is more than a case—it's a new chapter in Malaysian patent law.

Our partner and head of IP practice, Lee Lin Li and senior associate, Lim Jing Xian, together with a team of brilliant lawyers acted for Kingtime.

For further information on the matters discussed above or intellectual property law generally, please get in touch with Lee Lin Li, our partner and head of IP practice. The information in this article is intended only to provide general information and does not constitute any legal opinion or professional advice.

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