



Case Closed: Finality in Patent Litigation

What began as a patent dispute over an offshore production unit has now developed into an important case on finality of litigation, accountability and patent risk in large complex engineering and oil and gas projects.

Kingtime International Ltd (**Kingtime**) has on 4 May 2026 secured a further victory in its long-running dispute with Petronas Carigali Sdn Bhd (**PCSB**), following the Federal Court's dismissal of PCSB's applications for leave to appeal against the Court of Appeal's decision.

The effect is that the Court of Appeal's judgment^[1] remains intact.

For Kingtime, this marks a significant outcome in a hard-fought patent dispute against PCSB that has been ongoing since November 2018.

^[1] Kingtime International Ltd v Petronas Carigali Sdn Bhd & Another Appeal [2026] 1 CLJ 563 (CA).

BACKGROUND

The dispute concerns Kingtime's patents relating to a mobile offshore production unit (**MOPU**) featuring a detachable wellhead support structure.

The MOPU Sepat was designed, constructed, installed and commissioned by Petrofac E&C Sdn Bhd (**Petrofac**) for PCSB. PCSB later took delivery of and used the MOPU Sepat.

This was not the first litigation by Kingtime concerning the MOPU Sepat. In earlier proceedings against Petrofac (**Petrofac Suit**), the High Court in July 2018 found that the MOPU Sepat infringed Kingtime's patents and dismissed Petrofac's counterclaim to invalidate those patents. Petrofac's appeal to the Court of Appeal was dismissed in January 2020, while its application for leave to appeal to the Federal Court was dismissed in August 2020, rendering the Court of Appeal's judgment against Petrofac final.

Separately, Kingtime commenced proceedings against PCSB in November 2018 for stocking for use and/or using the MOPU Sepat (**PCSB Suit**)^[2]. More than three years later, in May 2022, PCSB filed a separate action seeking to invalidate Kingtime's patents^[3]. After a 12-day trial, the High Court in August 2023 dismissed Kingtime's infringement claim and allowed PCSB's invalidation action. Kingtime appealed against the High Court's decision^[4].

In November 2025, the Court of Appeal allowed Kingtime's appeal and held that Kingtime's patents were valid and infringed by PCSB. Both parties subsequently filed applications for leave to appeal to the Federal Court, although Kingtime later withdrew its application. PCSB's leave applications^[5] were ultimately dismissed by the Federal Court on 4 May 2026.

WHY DOES THIS MATTER?

The significance of the case goes beyond patent law. It also concerns what happens when patented technology is developed, supplied and used through a commercial chain involving multiple parties with different roles and different acts of exploitation.

Infringement findings could not simply be re-opened

In the earlier Petrofac Suit, the High Court had already found that the MOPU Sepat infringed Kingtime's patents. However, in the later PCSB Suit, the High Court reached the opposite conclusion and held that there was no infringement.

The Court of Appeal disagreed and held that PCSB was sufficiently connected to the MOPU Sepat project and Petrofac to be bound by the earlier findings in the Petrofac Suit relating to infringement. In reaching this conclusion, the Court of Appeal considered PCSB's commercially intimate involvement in the engineering, design, procurement, construction, installation and commissioning of the project.

In simple terms, the Court of Appeal took the view that a party closely involved in a project may not be able to re-litigate issues that had already been decided in earlier proceedings involving the same project and technology.

It should, however, be noted that Kingtime was not itself estopped from bringing the PCSB Suit, as the claims concerned separate and distinct infringing acts. The Petrofac Suit involved acts of making, offering for sale, sale and/or use of the MOPU Sepat, whereas the PCSB Suit concerned acts of stocking for use and/or using the MOPU Sepat.

^[2] Civil Suit No. WA-22IP-55-11/2018.

^[3] Civil Suit No. WA-22IP-17-05/2022.

^[4] Civil Appeal Nos. W-02(I PCv)(W)-1457-09/2023 & W-02(I PCv)(W)-1458-09/2023.

^[5] Civil Application Nos. 08(f)-375-10/2025(W) & 08(f)-377-10/2025(W).

Patent validity issues could not simply be re-opened

The Court of Appeal also held that PCSB was not entitled to challenge the validity of Kingtime's patents again through a separate invalidation action.

The patents had already survived the earlier invalidation challenge in the Petrofac Suit, which was ultimately upheld through the appeal process. The Court of Appeal in the PCSB Suit held that PCSB, as a privy of Petrofac, was estopped from reopening the same issue.

WIDER IMPLICATIONS

The Court of Appeal's decision in **Kingtime International Ltd v Petronas Carigali Sdn Bhd & Another Appeal** [2026] 1 CLJ 563 (CA) is significant for companies involved in large engineering, infrastructure and oil and gas projects, where owners, contractors and technical parties often work closely together.

The case serves as an important reminder that risk exposure may extend beyond the original designer or manufacturer, particularly where parties are closely involved in the development, approval and use of the technology.

With the Federal Court declining leave to appeal, the Court of Appeal's decision now stands as an important Malaysian authority on patent enforcement and the principle of finality in litigation.

Our Partner and Head of Intellectual Property, Lee Lin Li, and Senior Associate, Lim Jing Xian, together with a dedicated team of lawyers, act for Kingtime International Ltd in this significant matter.

This article is authored by our Partner, Lee Lin Li, Senior Associate, Lim Jing Xian, and Pupil-in-Chambers, Lai Wen Kang. The information in this article is intended only to provide general information and does not constitute any legal opinion or professional advice.



LEE LIN LI

Partner

linli.lee@taypartners.com.my



LIM JING XIAN

Senior Associate

jingxian.lim@taypartners.com.my



LAI WEN KANG

Pupil-in-Chambers

wenkang.lai@taypartners.com.my

*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 Intellectual Property at linli.lee@taypartners.com.my.*