

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.8.2017

Coram

The Hon'ble Mr.Justice **M.VENUGOPAL**

and

The Hon'ble Mr.Justice **P.D.AUDIKESAVALU**

W.P.No.32028 of 2012

F.HOFFMANN-LA ROCHE AG 124
GRENZACHERSTRASSE CH-4070 BASLE SWITZERLAND
REP. BY ITS CONSTITUTED ATTORNEY
MS.SUJATHA SUBRAMANIAM
134 FF SIKHDEV VIHAR NEW DELHI ... Petitioner

Vs

- 1 SANKALP REHABILITATION
TRUST 115B BELLE VUE
DR.AMBEDKAR ROAD
MUMBAI 400 050
- 2 THE ASST. CONSTROLLER OF
PATENTS & DESINGS IPR BUILDING GST ROAD
GUINDY CHENNAI-32
- 3 INTELLECTUAL PROPERTY
APPELLATE BOARD GUNA COMPLEX ANNEXE I 2ND
FLOOR 443 ANNA SALAI TEYNAMPET
CHENNAI-18 ... respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari, calling for the records pertaining to original Appeal No. OA/ 8/2009/PT/CH before the respondent No.3 and quashing the order numbered 250/2012 dated 2.11.2012 passed by the respondent NO.3 therein.

For Petitioner : Mr.P.S.Raman, Senior Counsel,
for Mr.R.Parthasarathy

For respondents : Mr.Anand Grover, Senior Counsel,
for M/s.Anna Mathew
Ms.Driyam Lizmary Cherian, for R-1

Mr.J.Madhanagopal Rao, for R-2 and R-3

M.VENUGOPAL, J.

and

P.D.AUDIKESAVALU, J.

(tar)

ORDER

Today, the matter is listed for hearing the Learned Senior Counsel for the First Respondent. At that time, it is represented on behalf of the petitioner as well as the First Respondent that the patent period has come to an end on 15.5.2017. Therefore, this court is not delving deep into the merits of the impugned order dated 2.11.2012 passed by the Third Respondent/Intellectual Property Appellate Board. Further, this Court is not expressing any opinion on the correctness or otherwise of the finding pertaining to the term "person interested" under Section 2(1)(t) of the Patents Act, 1970, rendered by the Third Respondent/Intellectual Property Appellate Board. Added further, the issue regarding the term "person interested" is left open.

2. Accordingly, the writ petition is disposed of. No costs. Consequently M.P.No.1 of 2012 and WMP No.20765 of 2016 are closed.

(M.V., J.)

(P.D.A., J.)

31.08.2017

Index: yes

Internet :yes

tar

To

1 THE ASST. CONSTROLLER OF PATENTS &
DESINGS IPR BUILDING GST ROAD
GUINDY CHENNAI-32

<http://www.judis.pjc.in>

3 THE INTELLECTUAL PROPERTY APPELLATE BOARD
GUNA COMPLEX ANNEXE I 2ND
FLOOR 443 ANNA SALAI TEYNAMPET
CHENNAI-18

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