



WEB COPY



(T)OP(PT)/44 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)OP(PT)/44 of 2023

[ORA/32/2014/PT/CHN] &

(T)OP(PT)/48 of 2023

[ORA/40/2014/PT/CHN]

Sankalp Rehabilitation Trust
SS Bengali Municipal School, First Floor,
Thakurdwar Road,
Charni Road East,
Mumbai-400 002.

... Petitioner in both
Petitions

-VS-

1.M/s.Merck Sharpe & Dohme Corp.
126 East Lincoln Avenue Rahway
New Jersey 07065 U.S.A.-400 098

Address for service: M/s.Lakshmikumaran & Sridharan,
2 Wallace Garden, 2nd Street,
Chennai-600 006.

2.The Controller of Patents & Designs,
Intellectual Property Office,
Intellectual Property Office Building,
G.S.T.Road,
Guindy,
Chennai-600 032.

... Respondents in
both petitions



(T)OP(PT)/44 of 2023

PRAYER IN (T)OP(PT)/44 of 2023: Transfer Original Petition (Patents) filed under Section 64 of the Patents Act, 1970, as amended by the Patents (Amendment) Act 2005, for revocation of Patent Nos.207233 in the name of M/s.Merck Sharpe & Dohme Corp. prays (i) that to call for the records and proceedings from the Controller of Patents, being the Respondent No.2 abovenamed, pertaining to patent No.207233 granted to the Respondent No.1 and after examined the said records to revoke and set aside the said patent; (ii) that this Court may be pleased to order that the impugned patent is removed from the register under Section 71 of the Patents Act, 1970; (iii) that the petitioner may be allowed to raise further rounds and file further documents and as evidence, if necessary, to support their averments; (iv) that the petitioner may be allowed to submit further pleadings and evidence in case the Patentee seeks to amend the claims; (v) that the Respondent No.1 be ordered to pay the costs of the present petition.

PRAYER (T)OP(PT)/48 of 2023 : Transfer Original Petition (Patents) filed under Section 64 of the Patents Act, 1970, as amended by the Patents (Amendment) Act 2005, for revocation of Patent Nos.234103 in the name of M/s.Merck Sharpe & Dohme Corp. prays (i) that to call for the records and proceedings from the Controller of Patents, being the Respondent No.2 abovenamed, pertaining to patent No.234103 granted to the Respondent No.1 and after examined the said records to revoke and set aside the said patent; (ii) that the petitioner may be allowed to raise further rounds and file further documents and as evidence, if necessary, to support their averments; (iii) that the petitioner may be allowed to submit further pleadings and



(T)OP(PT)/44 of 2023

evidence in case the Patentee seeks to amend the claims; (iv) that the Respondent No.1 be ordered to pay the costs of the present petition.

For Petitioner : Ms.M.S.Soorya Bharathi for
in both OPs M/s.R.Vaigai Anna Mathew

For Respondents : Mr.K.Premchander for
M/s.Anand and Anand

ORDER

Learned counsel for the first respondent submits that Patent No.207233 and Patent No.234103 expired on 24.03.2019. In support of his submission, he has produced documents issued by the Office of the Controller General of Patents, Designs and Trademarks.

2. In view of the expiry of term of the subject Patents, nothing survives for adjudication in these rectification petitions. Consequently, (T)OP(TM) No.44 of 2023 and (T)OP(TM) No.48 of 2023 are dismissed as infructuous without any order as to costs.

14.06.2023

kal

Index : Yes / No

Neutral Citation: Yes / No

SENTHILKUMAR RAMAMOORTHY, J.



WEB COPY



(T)OP(PT)/44 of 2023

kal

(T)OP(PT)/44 of 2023[ORA/32/2014/PT/CHN] &
(T)OP(PT)/48 of 2023[ORA/40/2014/PT/CHN]

14.06.2023