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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)CMA(TM)/172/2023
(OA/SR.105/2019/TM/CHN)

Panama Jack International Inc.
230, Ernestine Street, Orlando, FI 32801,
United States of America.

... Appellant

-vs-

1.Deputy Registrar of Trade Marks,
Intellectual Property Building,
G.S.T.Road, Guindy, Chennai 600 032.

2.Vincente Gimenez Antonio
Carterra Murcia-Alicante, KM 51 03205
Elche (Alicante), Spain.

... Respondents

PRAYER: Transfer Civil Miscellaneous Appeal (Trade Marks) filed under Section 91(1) of the Trade Marks Act, 1999, praying to call for the records of the proceedings pertaining to the impugned order dated 3rd January, 2019 and after examining the legality and validity



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thereof, quash and / or set aside the same and the petition on form TM-16 for changing the name of the applicant from 'Vincente Gimenez Antonio' to 'Antonio Vicente Gimenez' thereafter to Grupp Internacional S.A. be disallowed and the Appellant's Interlocutory Petition praying for the Counter statement filed by Grupp Internacional S.A to be treated as void ab initio and abandoning the impugned Application No.551921 in Class 25 be allowed and pending the hearing and final disposal of the Appeal, the operation of the impugned order dated 3rd January 2019 be stayed and to allow the miscellaneous petitions filed by the Appellant for condonation of delay in filing the present appeal and for stay of the impugned order dated 3rd January 2019.

For Appellant : Ms.K.Swetha
for M/s.Krishna and Saurastri
Associates LLP

For Respondent 1 : Mr.A.R.Sakthivel, SPC

For Respondent 2 : No Appearance



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JUDGMENT

Learned counsel for the appellant has placed on record an order dated 30.12.2019 of the Joint Registrar of Trade Marks. The said order records that trade mark Application No.551921 is treated as withdrawn, and that opposition no.732134 abates as a consequence. Since this appeal is directed against an interlocutory order dated 03.01.2019 in the above mentioned opposition proceedings, this appeal has been rendered infructuous by the above mentioned development.

2. By taking note of the same, (T)CMA(TM)/172/2023 is dismissed as infructuous without any order as to costs.

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Index : Yes / No

Internet : Yes / No

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Neutral Citation: Yes / No

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