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(TM)A/57/2023
in (T)OP(TM)/27/2023
(ORA/21/2012/TM/CHN)

SENTHILKUMAR RAMAMOORTHY,J

This application is filed for permission to rely on the additional documents described in the Judge's summons. In the affidavit in support of the application, it is stated that these documents were not available at the time of filing of the application before the IPAB and that the documents are vital to establish the prior use of the trade mark "Omni" before 2002.

2. By taking into account the fact that this is an original proceeding and in view of the reasons set out in the affidavit in support of this application, this application is allowed as prayed for subject to the right of the first respondent to file an affidavit of admission / denial in respect thereof and raise objections *inter alia* on the grounds of admissibility, relevance and proof in course of trial.

28.11.2023
(1/2)

rna



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