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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)CMP(PT)/43/2023
(T)CMA(PT)/SR.223/2023
(OA/SR.165/2016/PT/CHN)

M/s. A. Murugan
Old No. 10/34, New No. 11/46, North Main Road,
Sehiyathope (PO), Chidambaram TK, Tamil Nadu. ... Petitioner

-VS-

1.M/s. Union of India
represented by
The Controller of Patents
Patent Office Branch at Chennai
IP Buildings, GST Road,
Guindy, Chennai - 600 032.

2.M/s. Dow Global Technologies INC
2040, Dow Center Midland,
Michigan 48674
U.S.A.

... Respondents



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PRAYER in (T)CMP(PT)/43/2023: Transfer Civil Miscellaneous

Petition (Patents) is filed under Section 5 of the Limitation Act, praying to condone the delay of 8 months in filing the present Appeal for the reasons said above and take the appeal on file and thus render justice.

PRAYER in (T)CMA(PT)/SR.223/2023: Transfer Civil Miscellaneous

Appeal (Patents) is filed under Section 117-A of the Patents Act, 1970, praying to set aside the order made in No.POCB.126/CHENP/2008/ dated 06.07.2015 passed in Pre-Grant Opposition filed against Patent Application Number 126/CHENP/2008 communicated on 08.07.2015 and received by the Appellant on 10.07.2015 and set aside the same, and set aside review order dated 01.02.2016 passed in the Review application filed against the order passed in No.POCB/126/CHENP/2008/dated 06.07.2015 passed in Pre-Grant Opposition filed against Patent Application Numb12 126/CHENP/2008 and revoke Patent No.267238 granted for Patent



application number 126/CHENP/2008 and dismiss the Patent

Application No.126/CHENP/2008 and revoke Patent No.267238

granted for the same and award costs.

For Petitioner : No Appearance

For Respondent 1 : Mr.K.Gunasekar, CGSC

For Respondent 2 : Mr.Julick Isaiah
for M/s.De Penning and De Penning

ORDER

Learned counsel for the second respondent submits that the patent was not renewed after 07.07.2021 and that the last date for renewal thereof also expired. Since the intended appeal relates to revocation of Patent No.267238, which is no longer in force, such appeal has been rendered infructuous. Therefore, this petition is dismissed and the appeal stands dismissed as infructuous in the SR stage.

27.11.2023

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

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SENTHILKUMAR RAMAMOORTHY,J

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