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(T)CMA(PT)/157/2023
(OA/SR.48/2019/PT/CHN)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2024

CORAM

MR.JUSTICE N.SESHASAYEE

(T)CMA(PT)/157/2023
(OA/SR.48/2019/PT/CHN)

Indian Patent Application No.201621033630
Gunakar Private Limited; a company
Registered under Companies Act 2013 having
address as “CMA Pride”, 3rd Floor,
Plot No.6, S.No.16/6, Erandwana Co Op Hsg.
Society, Erandwana, Pune 411004.
Maharashtra, India.

... Appellant

Vs.

Assistant Controller of Patents & Design,
The Patent Office,
Intellectual Property Building,
G.S.T. Road, Guindy,
Chennai – 600 032.

... Respondent

PRAYER: Transfer Civil Miscellaneous Appeal (Patents) is filed under
Section 117-A of the Indian Patents Act, 1970, praying to;

- 1) Issue an order setting aside/quashing the impugned order dated
22nd February, 2019 pronounced by the Respondent with
respect to patent application no.201621033630.



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- 2) Stay the operation of the impugned order date 22nd February, 2019 passed by the Respondent, pending disposal of the present appeal.
- 3) Allow the Appellant to amend, add or alter any grounds of appeal and also be permitted to place on record any relevant material in the form of an affidavit, written document, synopsis of case law, etc.
- 4) declare that the said patent application cannot be rejected on the grounds that the instant claims come within the scope of Section 3(k) of the Act,
- 5) Order allowance of the claims and order the Respondent for issue of certificate of grant;
- 6) allow the appeal with costs;
- 7) Pass any such other and further orders as the Court may deem fit in the nature and the circumstances of the case.

For Appellant : No appearance
For Respondent : Mr.M.Karthikeyan
Special Panel Counsel

JUDGMENT

The Registry notice to the appellant has been returned with a postal endorsement in Marathi, which was translated to this Court, that there is no



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such addressee in the said address.

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2.Since the notice tried to be served on the Appellant is from the Registry, this Court does not deem it necessary to issue further notice nor deems it appropriate to retain the appeal in the file of this Court.

3.The appeal is accordingly dismissed. However, the appellant is entitled to have the matter revived. No costs.

08.02.2024

Tsg

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No



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N.SESHASAYEE, J.

Tsg

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