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(T)CMP(PT) No.19 of 2023
(T)CMA(PT)/SR.192/2023
(OA/SR.177/2011/PT/CHN)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2024

CORAM

MR.JUSTICE N.SESHASAYEE

(T)CMP(PT)/19/2023
(T)CMA(PT)/SR.192/2023
(OA/SR.177/2011/PT/CHN)

ANIL ANANTHAKRISHNA
"CASA BIRGITTA", No.10, Brunton Road
M.G.Road Cross, Bangalore 560025
US National

... Petitioner

Vs.

THE CONTROLLER OF PATENTS & DESIGNS
The Patent Office,
Intellectual Property Building, G.S.T. Road
Guindy, Chennai 600 032

... Respondent

PRAYER in (T)CMP(PT)/19/2023: Transfer Civil Miscellaneous Petition (Patents) is filed under Section 5 of the Limitation Act, praying (a) that the fresh filing of Form 18 be allowed since the appellant had no role to play in the requests for examination not being taken on record; (b) that the lapse of time in filing Form 18 since the expiry of 48 months subsequent to the date of application is condoned as the lapse occurred due to reasons unknown



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and beyond the control of the appellant while the appellant had duly fulfilled and performed all his responsibilities, and harboured no doubt regarding the possibility of the Form 18 not being taken on record.

PRAYER in (T)CMA(PT)/SR.192/2023: Transfer Civil Miscellaneous Appeal (Patents) is filed under Section 117-A of the Patents Act, 1970, praying (a) that the fresh filing of Form 18 be allowed since the appellant had no role to play in the requests for examination not being taken on record; (b) that the lapse of time in filing Form 18 since the expiry of 48 months subsequent to the date of application is condoned as the lapse occurred due to reasons unknown and beyond the control of the appellant while the appellant had duly fulfilled and performed all his responsibilities, and harboured no doubt regarding the possibility of the Form 18 not being taken on record.

For Petitioner / : No representation
intending appellant

For Respondent : Mr.M.Karthikeyan
Senior Panel Counsel

ORDER

On transfer from IPAB the Registry has issued a notice on the intending appellant and it was returned with an endorsement of the bailiff of the



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Central Nazir, City Civil Court, Bangalore that 'no such person in the given address'. Without noticing it yet another notice was served on the same address on the intending appellant and this was returned with the endorsement of the bailiff that the address is inadequate. In the meantime, the Registry placed a communication presented by the agent of the intending appellant before the IPAB seeking its leave to withdraw the appeal and that IPAB had required the learned counsel to file an affidavit to that effect.

2.The scenario that emerges is plain and clear. The intending appellant is not interested in prosecuting the appeal and its counsel has no instructions and the appellant too has also left the address. To cap it, it has also made a formal request to its agent before the IPAB to withdraw.

3.In view of above, this Court does not consider it necessary to keep this appeal any longer pending on the docket of this Court. The said letter of the



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N.SESHASAYEE, J.

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agent is now recorded. Consequently, (T)CMP(PT)/19/2023 is dismissed and the appeal stands dismissed accordingly as withdrawn at the SR stage itself.

06.03.2024

Index : Yes / No

Neutral Citation: Yes / No

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