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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **C.A.(COMM.IPD-PAT) 299/2022**

**EMITECH GESELLSCHAFT FUR EMISSIONSTECHNOLOGIE
MBH**

..... Appellant

Through: Mr. Manish Singh, Mr. Abhai
Pandey, Mr. Varun Sharma,
Mr. Manish Aryan, Mr. Gautam
Kumar, Ms. Swati Mittal,
Ms. Priyanka Anand, Ms. Shivani
Singh and Mr. Dhruv Tandan,
Advocates

versus

**CONTROLLER GENERAL OF PATENTS DESIGNS AND
TRADEMARKS AND ANR**

..... Respondents

Through: Ms. Nidhi Raman, CGSC with
Mr. Zubin Singh, Advocate for UOI.

**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA**

ORDER

23.01.2024

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1. Ms. Nidhi Raman, Central Government Standing Counsel for Union of India, states on instructions that in light of the grievances expressed by Appellant (as noted in the order dated 9th January, 2024), Respondents are agreeable to reconsider Appellant's application, without prejudice to their rights and contentions,
2. In light of the above, the present appeal is disposed of with the following directions:
 - i) The impugned order dated 13th September, 2019 passed by



Respondent No. 2 (Assistant Controller of Patents & Designs) is set aside.

ii) The file is restored to its original number. The proceedings must be considered *de novo* after providing a fresh opportunity for hearing to the Appellant.

iii) Respondents shall decide the appeal within three months from today. All rights and contentions of the parties are left open. Respondents shall decide the matter uninfluenced by any observations made in the impugned order.

3. With the above directions, the appeal is disposed of.

SANJEEV NARULA, J

JANUARY 23, 2024

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