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

+ C.A.(COMM.IPD-PAT) 341/2022

COMMONWEALTH SCIENTIFIC AND INDUSTRIAL
RESEARCH ORGANISATION, CSIRO

.....Appellant

Through: None.

versus

CONTROLLER OF PATENTS AND ANR.

.....Respondents

Through: Mr. Balendu Shekhar, CGSC with
Mr. Krishna Chaitanya, Mr. Raj Kr.
Maurya, Advocates (M:9999666769)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

07.10.2024

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1. The present appeal has been pending before this Court since the year 2022, having been received from the Intellectual Property Appellate Board ("IPAB"), consequent upon promulgation of the Tribunals Reforms (Regulation and Conditions of Service) Ordinance, 2021, and after abolition of IPAB.
2. Perusal of the order dated 07th May, 2024 shows that the counsels/Trademark-agent for the appellant, had been served on 15th March, 2024. However, none has appeared for the appellant.
3. The order dated 07th May, 2024, reads as under:

"The appellant is based in Australia, whereby the service of its counsel/Trademark-agent was ordered on 16.02.2024. The counsel/Trademark-agent for the appellant has been served on 15.03.2024. However none has appeared. Accordingly the appellant shall have the last opportunity to remove the defects qua the memo of parties, as per order dated 20.02.2023.

List the matter for further proceedings on 18.07.2024."



4. Further, vide order dated 18th July, 2024, it is categorically noted that despite service, neither the appellant has appeared, nor the defects in the appeal, as pointed out by the Registry of this Court, have been removed by the appellant. The order dated 18th July, 2024 reads as under:

“Despite the service recorded in the order dated 07.05.2024, neither anybody has appeared for the appellant, nor the defects have been removed. It seems like the appellant has lost interest in this case.

List the matter before the Hon'ble Court for further proceedings on 07.10.2024.”

5. Considering the conduct of the appellant, it is clear that the appellant is not interested to pursue the present appeal.

6. Accordingly, the present appeal is dismissed in default and for non-prosecution.

MINI PUSHKARNA, J

OCTOBER 7, 2024

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