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

+ C.A.(COMM.IPD-PAT) 420/2022

ALKERMER INC AND ANR

.....Appellants

Through: None.
versus

THE CONTROLLER OF PATENTS AND DESIGNS AND ANR

.....Respondents

Through: Mr. Piyush Beriwal, Ms. Ojasvi,
Advocates for R-1 (M:9910396352)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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01.10.2024

1. The present appeal was transferred from the Intellectual Property Appellate Board ("IPAB"), upon promulgation of the Tribunals Reforms (Regulation and Conditions of Service) Ordinance, 2021 and after abolition of the IPAB.
2. Pursuant to the receipt of the present appeal, notices were issued to the parties.
3. Perusal of the order sheets show that none has been appearing for the appellants, despite service. Order dated 22nd July, 2024 records that the counsel for the appellants was served on 02nd November, 2023. Further, the registered Trade Mark Agent of the appellants was also served on 19th March, 2024. The order dated 22nd July, 2024 reads as under:

*"The service reports of the appellants are once again awaited.
As noted in the order dated 03.05.2024, their counsel was already served on 02.11.2023, via email. The office noting for the hearing dated 03.05.2024 shows that the registered Trademark-agent of the appellants was also served, via email on 19.03.2024. In these given*



circumstances, the appellants are deemed to be served with the court notices. However despite these services, none has appeared for the appellants despite repeated opportunities.

The respondents are already participating in the proceedings.

*In the given circumstances, list the matter before the Hon'ble Court on **01.10.2024.**"*

(Emphasis Supplied)

4. This Court notes that despite service to the appellants, none has appeared on behalf of the appellants. The objections raised by the Registry have also not been removed by the appellants. There is no justification for continuous non-appearance of the appellants.
5. Accordingly, it is clear that the appellants are not interested in pursuing the present matter.
6. Thus, considering the facts and circumstances of the present case, the present appeal is dismissed in default and for non-prosecution.

MINI PUSHKARNA, J

OCTOBER 1, 2024

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