



IPAB Intellectual Property Appellate Board

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OA/30/2015/PT/MUM

TUESDAY, THIS THE 22ND DAY OF SEPTEMBER, 2020

Hon'ble Shri Justice Manmohan Singh

...Chairman

Hon'ble Dr. B.P. Singh

...Technical Member (Patents)

Raghvendranath A. Raju,
Indian National,
Residing at A-1, Omega Apartment,
Sector 7, Shree Nagar,
Wagle Estate, Thane (West),
Maharashtra

...Applicant

(Represented by – Ms. Gladys Daniel)

Vs.

1. Assistant Controller of Patents
and Designs
Boudhik Sampada Bhawan,
Antop Hill, Mumbai - 400037.

...Respondent

(Represented by – None represented)

ORDER

Hon'ble Dr. B.P. Singh, Technical Member (Patents)

1. The present appeal has been filed under 117A of the Patents Act, 1970 by the appellants being aggrieved by the order of the Controller of Patents dated 27/12/2013 in patent application No. 997/MUM/2007.

2. The brief submission of the appellants is that they could not attend the hearing in front of the Controller scheduled on 26/11/2013. The impugned order was issued by Controller refusing the grant of patents as the applicant failed to appear for the scheduled hearing.

3. It is submitted by the appellant herein that the appellant was unwell and was under medical care between 25/11/2013 to 27/11/2013. They have produced medical certificate in this regard.

4. It is further submitted by the appellant that the impugned order is not on merit.

5. The appellant was asked by this tribunal whether the appellant filed any adjournment of hearing before the Controller's office, mentioning about their inability to attend the hearing on the scheduled date together with this medical certificate. Their answer was in negative.

6. Therefore, the order of the Controller refusing the case is not without reasons. However, since the appellant is pleading for remanding back this case to the Controller for deciding their patent application on merit, we are inclined to give another chance to prove the merit of their case before the Controller.

7. The appellant has been directed to honour the date of hearing appointed by the Controller in future.

8. The order of the Controller dated 23/12/2013 is set aside and the matter is remanded back to the Controller to offer a fresh opportunity to the appellant to be heard.

9. The Controller shall decide the matter on merit in accordance with law, after hearing the matter afresh, within 3 months from the issuance of this order.

10. The appeal is disposed off. No Cost.

- Sd/-

(DR. B.P. SINGH)

TECHNICAL MEMBER (PATENTS)

-Sd/-

(JUSTICE MANMOHAN SINGH)

CHAIRMAN

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