

# INTELLECTUAL PROPERTY APPELLATE BOARD

Guna Complex, Annexe-I, 2<sup>nd</sup> Floor, 443, Anna Salai,  
Teynampet, Chennai – 600 018

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## ORA/6/2011/PT/CH

WEDNESDAY THIS THE 30<sup>TH</sup> DAY OF DECEMBER, 2015.

**Hon'ble Shri Justice K.N. Basha** ... **Chairman**  
**Hon'ble Shri D.P.S.PARMAR** ... **Technical Member**  
**(Patent)**

K.K.Nag Limited,  
Post Urse, Gat No.393,  
Taluka Maval, Dist.,  
PUNE – 410506,  
MAHARASHTRA.

... Applicant

(Represented by: Mr.A.K.Balaji and Ms.Nithya. S)

**Vs.**

1. Monarflex A/S ... Respondent  
Lyskaer 10, DK-2730 Herlev,  
DENMARK.

2. The Controller General of Patents  
Designs & Trademarks,  
Boudhik Sampada Bhavan, Near Antop Hill,  
Head Post Office, S.M. Road, Antop Hill,  
MUMBAI – 400 037.

(Represented by: None )

## **ORDER (NO.216 OF 2015)**

**Hon'ble Shri Justice K.N. Basha, Chairman:**

Mr.A.K.Balaji and Ms.Nithya..S, the learned counsel representing R.K.Dewan & Company, for the applicant is present today. Though the first respondent has been served through their authorized Indian Agent Depenning & Depenning, they are not present today.

2. This ORA is filed for revocation of the impugned Indian Patent No.187633 under section 64(1)(a) and section 64 (1) (f) raising the grounds that the invention so far as claimed in claim one of the complete specifications is not novel and then the invention as far as claimed in the

claim one of the complete specifications is obvious and does not involve any inventive steps.

3. The learned counsel for the applicant would submit that they have written a letter to the Patent Office, Guindy, Chennai seeking for the information in respect of the impugned Patent No.187633 and they have received a reply dated 10/02/2011. The learned counsel for the applicant would produce the copy of the said letter today before us. It is seen that in the said communication dated 10/02/2011, it is stated that the 17th year renewal fee has been paid on 20/12/2010 and the term of Patent shall expire on 30/12/2014 i.e. 20<sup>th</sup> year. Therefore, it is very clear that as on date the Patent has already expired. It is pertinent to note that as per the submission of the learned counsel for the applicant, the patentee has served a notice for the alleged infringement of the impugned Patent on 26/11/2010 and till date they have not received any information about filing of suit for infringement and even the period of limitation for filing suit is already expired.

4. Therefore, we are of the view that the matter has become infructuous and accordingly the ORA/6/2011/PT/CH is hereby dismissed.

**(D.P.S.PARMAR)**  
**TECHNICAL MEMBER**

**(JUSTICE K.N. BASHA)**  
**CHAIRMAN**

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