



बौद्धिक सम्पदा भारत

INTELLECTUAL
PROPERTY INDIA

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बौद्धिक सम्पदा भवन, मुंबई - ४००३७

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Letter No: RMID/REVOCATION/ 15150

Date: 06.03.2014

To

Mr. Aseem Nanda
Officer on Special Duty (ICD)
Room No.227A
Central Board of Excise & Customs
(International Customs Division-ICD),
North Block, New Delhi.110001

Sub: Representation of Shri Bharat Bhogilal Patel seeking clarification on the Patent Act,1970 in the matter of Patent No 188787 and 189027.

Sir,

I am to refer your office letter number F.NO. 26000/7/2011-OSD(ICD) dated 26th February,2014 and previous reference to your office letter No F.NO. 26000/7/2011-OSD(ICD) dated 18th October,2013 and to state the position on the aforementioned subject as follow.

- I. IPAB passed the Order No.167/2012 for Revocation of Patent No.188787 (Application No.611/BOM/1998) and Patent No. 189027 (Application No. 610/BOM/1998) on 12.06.2012. In this matter M/s. Aditi Manufacturing Co., Mumbai & Others Vs. Shri Bharat Bhogilal Patel were parties.
- II. Applicant Shri Bharat Bhogilal Patel has filed the Writ petition Number 18565 &18566 of 2012 before Hon'ble High Court, Madras against IPAB Order No.167/2012, dated 12.06.2012.
- III. Hon'ble High Court, Madras has passed "Order of Interim Stay" on 19.11.2012 in the matter of IPAB Order No.167/2012 dated 12.06.2012.
- IV. IPAB passed the Order No.69/2013 dated 14.03.2013 for revocation of Patent No.188787 (Application No.611/BOM/1998) and Patent No.189027 (Application No. 610/BOM.1998). In this matter ALLFLEX (I) PVT.LTD., New Delhi and M/s. Spinks India Pvt. Ltd., Gurgaon Vs. Shri Bharat Bhogilal Patel were parties.

V. As per patent-register, the renewal fee has been paid for both patents for 16th year even after the revocation of patents vide IPAB order No.69 of 2013 dated 14th March, 2013. The payment of renewal fee in the subject patents do not co-relate with revoke of patents.

VI. Shri Bharat Bhogilal Patel has submitted the Notarised copy of **Nine** Court Order/ Judgment on 14.02.2014 and one copy of proceedings in Writ petition filed at Hon'ble High Court, Bombay with a request to take these copies in office record as listed below;

Sr. No.	Case No./ Date of filing	Parties	Interim Decision / Judgment/ Date of Order
1.	TRA/5 & 6/2008/PT/MUM (IPAB),	M/s. Aditi Manufacturing Company. v/s 1) Mr. Bharat Bhogilal Patel. 2) The Controller of Patents.	IPAB order no. 167/2012 dated 12/6/2012
2.	Writ Petition no. 18565 & 18566 filed at Madras High Court against order No. 167/2012 dated 12/6/2012 of IPAB. Writ Filed Date: 2012,	Mr. Bharat Bhogilal Patel. v/s 1) Union Of India, Ministry of Commerce & Industry, DIPP, Udyog Bhavan, New Delhi- 110001. 2) The Controller General Of Patents, Designs and Trademark, The Patent Office, Mumbai - 37. 3) IPAB, Chennai - 18. 4) Aditi Manufacturing Company, Mumbai	First Divisional Bench passed interim Stay Order No. Dated: 19/11/2012 “
3.	ORA/19 & 21/2010/PT/MUM (IPAB)	M/s. Allflex India Pvt. Ltd. v/s Mr. Bharat Bhogilal Patel.	14/3/2013
4.	ORA/9&14 /2011/PT/MUM (IPAB)	M/s. Spinks India Pvt. Ltd. v/s Mr. Bharat Bhogilal Patel.	14/3/2013
5.	CS (OS)No.1866/2012 at Delhi High Court	Sugen INC & Others v A. Rao & ANR.	9/03/2013
6.	Writ Petition no. 18565 & 18566 filed at Madras High Court against order No. 167/2012 dated 12/6/2012 of IPAB.	M/s Samsung India Electronics Pvt. ltd & M/s Nokia Corporation & M/s Nokia India Pvt. Ltd. v/s. 1) Mr. Bharat Bhogilal Patel 2) Union Of India, Ministry of Commerce & Industry, DIPP, Udyog Bhavan, New Delhi- 110001. 3) The Controller General Of Patents, Designs and Trademark, The Patent Office, Mumbai - 37. 4) IPAB, Chennai - 18. 5) Aditi Manufacturing Company, Mumbai	17/06/2013
7.	CS(OS)2982/2011 at New Delhi High Court	M/s. LG ELECTRONICS INDIA PRIVATE LIMITED v/s 1) Mr. Bharat Bhogilal Patel. 2) Commissioner of Customs Mumbai (Import). 3) Commissioner of Customs New Delhi (Import).	6/2/2013
			13/3/2013
			23/10/2013
8.	FAO(OS)361/2013 at New Delhi	Commissioner of Customs (Import)	12/08/2013

	High Court	v/s M/s. LG ELECTRONICS INDIA PRIVATE LIMITED	
9.	CS(OS) 1796/2010 At New Delhi High Court	Allflex India Pvt. Ltd. v/s Bharat Bhogilal Patel	21/8/2012
			16/9/2013
			28/11/2013
10	Writ Petition No.5050/2013, High Court, Bombay	Videojet Technologies (I) Pvt Ltd. Vs UOI, Ministry of Finance otrs	04/09/2013

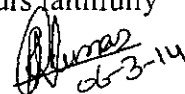
The status of patents are to be decided in the light of orders/ Decisions / Judgment passed or pending before various Courts in the matter of Patent No. 188787 and 189027 as referred above.

VII. Accordingly in the light of above facts , as on date, both patents have been revoked by IPAB and the matter is "Pending" particularly before ;

- A. Hon'ble High Court, Madras in Writ Petition Nos.18565 and 18566 of 2012 against said orders of IPAB and MP No.1&2 of 2013 order dated 17.06.2013.
- B. Hon'ble High Court, Delhi in the matter of FAO(OS)361/2013, CS 2982/2011 and IA No.3467/2012 & 3471/2012, order dated 13.03.2013.
- C. Hon'ble High Court, Bombay in the matter of Writ Petition No.5050/2013, High Court, Bombay dated 04/09/2013.

VIII. Upon consideration of his representation and in view of above fresh findings, the letter No. RMID/REVOCATION/3131 dated 01.11.2013 issued by this office is superseded by this letter.

Yours faithfully



(Rakesh Kumar)

Deputy Controller of Patents and Designs
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Copy to:
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