



**IPAB** Intellectual Property Appellate Board  
balancing ip-protectors

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**MP NO.55/2020 IN OA/52/2020/PT/CHN  
AND  
OA/52/2020/PT/CHN**

**FRIDAY, THIS THE 18<sup>TH</sup> DAY OF DECEMBER, 2020**

**Hon'ble Shri Justice Manmohan Singh  
Hon'ble Dr. B. P. Singh**

--- Chairman  
--- Technical Member (Patent)

3M INNOVATIVE PROPERTIES COMPANY  
3M Center, P.O. Box 33427,  
Saint Paul  
MN 55133-3427, USA

---- APPELLANT

**(Represented by – Mr. Solomon J. David)**

**Versus**

1. THE CONTROLLER OF PATENTS & DESIGNS  
Government of India, Patent Office  
Intellectual Property Rights Building  
GST Road, Guindy  
Chennai – 600 032

--- RESPONDENT

**(Represented by - None)**

**ORDER**

**Hon'ble Shri Justice Manmohan Singh , Chairman**

1. This Appeal arising out of the order dated 08 October 2020 passed by the Controller against the Indian Patent Application No.201747021302.
2. The facts of the matters are mentioned in Para 1 to 10 of the hearing application. The same are re-produce herebelow:-

If the said para are read in a meaningful manner, it appears that due to oversight the appellant attorney had issued the letter dated 15/09/2020 which is contrary to the instruction given by its client.

It is pertinent to mention here that when the mistake has come to the knowledge of the solicitor of the appellant, the respondent on 07/10/2020 has informed all the circumstances. However, on 08/10/2020 the impugned order has been passed. We are of the view that no doubt the person concern who has written the letter dated 15/09/2020 should have been very careful. Actually, the said communication was contrary to the section given by the client that the client has not lost the interest. The learned counsel for the appellant states that the appellant will withdraw the review petition filed on 13/10/2020. It is also stated by him that it is a valid patent in which the application for registration has been filed. Great prejudice would be cause to the appellant, if the matter is not argued before the Respondent. Without going into the merits all the case, we allow the prayer of the appellant by set-aside the order subject to the cost of Rs.5000/- which may deposit in the PM Care Fund by edeposit within two weeks from today. The matter is remanded back to the Respondent who will hear the appeal after filing the written submission by the appellant within 15 days from today and will try to dispose of all the appeal within three months from today. The present appeal is accordingly dispose off.

**-SD/-**

**(DR. B. P. SINGH)**  
**TECHNICAL MEMBER (PATENT)**

**-SD/-**

**(JUSTICE MANMOHAN SINGH)**  
**CHAIRMAN**

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