



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF FEBRUARY, 2023

BEFORE

THE HON'BLE MR JUSTICE M.NAGAPRASANNA

WRIT PETITION NO. 21782 OF 2022 (GM-RES)

BETWEEN:

SRINIVAS S.DEVATHI
S/O LATE D.SATYANARAYANA
RESIDING AT NO.63, 11th 'B' CROSS,
3rd MAIN, PRASHANTHAGAR,
BENGALURU – 560 079
INDIA

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E-MAIL ID. srinivas@coolcartechnology.com

...PETITIONER

(BY SRI.SRINIVAS S.DEVATHI, PARTY-IN-PERSON)

AND:

UNION OF INDIA
MINISTRY OF EXTERNAL AFFAIRS,
LEGAL AND TREATIES DIVISION,
ROOM NO.901, AKBAR BHAVAN
CHANAKYAPURI
NEW DELHI – 110 021

PH.91-11-24674143

REPRESENTED BY MRS. UMA SEKHAR
ADDITIONAL SECRETARY
ALSO REPRESENTING EXTERNAL AFFAIRS





MINISTER MR.S.JAISHANKAR.

...RESPONDENT

(BY SRI. ADITYA SINGH, CGC)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DEFENDANT TO ISSUE THE CONSENT LETTER OF CENTRAL GOVERNMENT DULY CERTIFIED BY SECRETARY TO CENTRAL GOVERNMENT, TO SUE UNITED STATES PATENT AND TRADEMARK OFFICE - USPTO, AND SUMMON WIPO - INTERNATIONAL BUREAU TO ASSIST THE COURT WITH FACT FINDING AND DISCOVERY, IN GIVE CERTIFIED COPIES.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner in person has filed the subject petition seeking the following prayer:

"A. Respondent to issue the 'Consent letter of Central Government duly certified by secretary to Central Government, to sue united states patent and trademark office - uspto, and summon WIPO - World Intellectual Property Organization, International Bureau to assist the court with fact finding and discovery', as formally requested in annexure C, in as many certified copies as judicially required for the trial court to initiate the proceeding, and for defendants."

2. Heard Sri Srivinas S. Devathi, petitioner - party in person and Sri Aditya Singh, learned Central Government Counsel appearing for the respondent.



3. The petitioner in effect sought a consent letter from the respondent – the Union of India to file a suit against the United States Patent and Trademark Office ('USPTO' for short). Various contentions are raised in the pleadings towards the prayer that is sought by the petitioner.

4. Sri Aditya Singh, learned Central Government Counsel appearing for the respondent would submit that none of those earlier e-mails have been received at their end and what is received is the writ petition papers, at which point in time, the respondent come to know that the petitioner is wanting a consent letter from the hands of the Central Government to sue the USPTO.

5. This submission is disputed by the petitioner – party in person. He would take this Court through several e-mails seeking to demonstrate that it is not one, two or three, but plethora of e-mails were sent seeking a consent letter from the Central Government for the purpose as afore-quoted.



6. At this juncture, learned Central Government Counsel would undertake before this Court that if reasonable time is granted, appropriate orders would be passed upon the e-mails sent by the petitioner and in tune with the prayer that is sought in the petition, as the consideration is underway.

7. The submission is placed on record. Since the consideration is underway, I deem it appropriate to issue a direction to the respondent to pass appropriate orders, with regard to the grievance of the petitioner, after affording an opportunity of hearing, within six weeks from the date of receipt of a copy of the order, if not earlier.

8. With the aforesaid direction, the petition stands disposed.

**SD/-
JUDGE**

NVJ
List No.: 1 Sl No.: 114