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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 150/2016**

PHARMACYCLIC INC & ANR

Through

..... Plaintiffs

Mr. Pravin Anand, Advocate with
Mr. Dhruv Anand, Mrs. Archana
Shankar, Ms. Udit Patro and
Mr. Shamim Nooreydzan, Advocates

versus

K V PRAKASH & ORS

Through

..... Defendants

Mr. Abhishek Malhotra and
Mr. Kumar Sudeep, Advocates for
D-1 to D-6, D-8 and D-9

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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29.02.2016

Caveat Nos.182/2016 & 183/2016

1. Counsel appears for the caveators/defendant nos.4 and 8 and hence caveats stand discharged.

I.A. No.2832/2016 (Exemption)

2. Exemption allowed subject to just exceptions.

I.A. stands disposed of.

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**CS(COMM) No.150/2016, I.A. No.2830/2016 (u/O 39 R 1 & 2 CPC),
2831/2016 (u/O 11 R 1(4) CPC) & 2833/2014 (u/S 149 CPC)**

3. Counsel for the plaintiff states that he has today filed the court fees as per the suit plaint vide diary No.75861. Identical amount of court fees will be filed by the plaintiff positively within a period of two weeks from today and for which an undertaking is given to this Court on behalf of the plaintiff by allowing overlooking the issue of mis-joinder as this suit is being disposed of today. The suit and the pending applications are disposed of, inasmuch as, counsel who appears for defendant nos.1 to 6, 8 and 9 states that these defendants in their individual capacity and for and on behalf of companies being defendant nos.4,5, 8 and defendant no.9, will not in any manner manufacture the molecule having International non-proprietary name of IBRUTINIB and which is the subject matter of Indian Patent No.262968 of the plaintiff no.1. These defendants nos.1 to 6, 8 and 9 will also not sell or in any manner bring about any sale of any drug which is the subject matter of the plaintiff no.1's Indian Patent No.262968.

4. It is also stated by counsel for the defendant nos.1 to 6, 8 and 9 that these defendants have no concern with defendant nos.6 & 7. Accordingly, so far as defendant nos.6 & 7 are concerned the suit is not pressed with liberty

to the plaintiff to file appropriate independent proceedings with respect to defendant nos.6 & 7.

5. The statement made on behalf of defendant nos.1 to 6, 8 and 9 will bind these defendants and suit is accordingly decreed by restraining the defendant nos.1 to 6, 8 and 9 from in any manner manufacturing or selling or in any manner causing manufacturing or selling directly or indirectly of the molecule IBRUTINIB and which is the subject matter of plaintiff no.1's Indian Patent No.262968.

6. Other reliefs prayed for in the suit are accordingly not pressed on behalf of the plaintiff.

7. Of course, if the defendant nos.1 to 6, 8 and 9 have any legal right to challenge the patent granted to the plaintiff no.1, they are always at liberty to do so, in accordance with law.

8. Suit and pending applications are accordingly disposed of in terms of the aforesaid order.

VALMIKI J. MEHTA, J

FEBRUARY 29, 2016
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