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

+ CS(COMM) 354/2016

VRINGO INFRASTRUCTURE INC & ANR Plaintiffs

Through: Mr. Pravin Anand, Advocate with
Mr. Shran Chopra, Adv. &
Mr. Pundreek Dwivedi, Adv.

versus

NUAGE TECHSOL PVT LTD & ANR Defendants

Through: Mr. Neel Mason, Advocate with
Mr. Essenese Obhan, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **20.12.2016**

IA No.15784/2016 (Order 23 Rule 1 CPC on behalf of the plaintiffs) and IA No.15653/2016 (Order 23 Rule 1(3) (b) CPC on behalf of defendant no.3)

By their application, the plaintiffs seek dismissal of the suit as withdrawn qua defendant no.3 though also adding a prayer that liberty may be granted to file a fresh suit in case of fresh cause of action.

By its application, defendant no.3 also presses for dismissal of the counter claim it being CC No.3/2016 as withdrawn, adding a prayer for liberty to be granted to file a fresh counter claim or revocation proceedings against the subject patent in the event of the plaintiffs or their assignees in law instituting fresh proceedings.

After some hearing, the learned counsel on both sides submit they do not press for any such liberty as has been brought in the two applications, their prayer now being only for the suit and the counter claim to be dismissed as withdrawn.

The prayer in both the applications is accordingly granted. The suit and the counter claim of defendant no.3 stand dismissed as withdrawn. Parties to bear their own costs.

Since nothing survives in the suit and the counter claim, the file be consigned to record room.

R.K.GAUBA, J.

DECEMBER 20, 2016
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