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

+ **CS(COMM) 805/2016 & IA No.646/2014**

NOVARTIS AG & ORS Plaintiffs
Through : Mr. Hemant Singh, Advocate

versus

WOCKHARDT LTD Defendant
Through : Mr. Eshan Ghosh, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% **17.08.2016**

1. Mr. Singh, counsel for the plaintiffs states that in view of the averments made by the defendant in the affidavit dated 26.11.2015, particularly paras 2 to 4 thereof, whereunder the defendant has stated that it has applied for revocation of the Indian Patent No.IN 212815 of the plaintiff No.1 before the IPAB and further that it has undertaken not to use, manufacture, import, sell or offer for sale pharmaceutical products, compounds or formulations or active ingredients containing Vildagliptin, that may amount to infringement of the aforesaid patent, the present suit may be decreed in terms of prayer clause 52(a) of the plaint. He submits that the plaintiff does not wish to press for the relief at prayer clause 54(b), (c) and (d) of the plaint.

2. Counsel for the defendant is agreeable to the aforesaid suggestion and assures the Court that the defendant shall take steps to withdraw the application for revocation of the patent in question pending before the IPAB

and it shall abide by the undertakings given in para 4 of the affidavit dated 26.11.2015.

3. In view of the aforesaid submission, as agreed, the present suit is decreed in terms of prayer clause 54(a) of the plaint, and the undertakings given by the defendant in the affidavit dated 26.11.2015. Decree sheet be drawn up accordingly.

4. The suit is disposed of, along with the pending application.

AUGUST 17, 2016

sk/ap

HIMA KOHLI, J