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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS (OS) 2634/2013

BRISTOL-MYERS SQUIBB COMPANY & ANR. Plaintiffs

Through: Mr. Pravin Anand, Mr. Nishchal Anand
and Mr. Aman Taneja, Advocates.

versus

DHARMESH M SHAH & ORS. Defendants

Through: Ms. Rajeshwari and Ms. Aparna Gaura,
Advocates.

CORAM: JUSTICE S. MURALIDHAR

ORDER

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29.08.2016

**CS (OS) 2634/2013 & CC No. 7/2014, 14/2014, Crl. MA No. 1116/2014
(under Section 340 CPC) and IA No. 20989/2013 (under Order XXXIX
Rules 1 and 2 CPC)**

1. An affidavit has been filed on 28th March, 2016 by Mr. Aravind M. Badiger on behalf of Defendant No. 2 and Dr. Guruprasad Ramchandra Wadar on behalf of Defendant No. 3. It is stated that Defendant No. 1 is only a Director of Defendant Nos. 2 and 3.

2. It has been stated categorically in both the affidavits as under:

“3. That, I say that Defendant No. 2 has not launched the product covered by the Plaintiffs' patents IN 224075 and IN 234024 as of date.

4. That, Defendant No. 2 undertakes to not launch the product

covered by the Plaintiffs' patents IN 224075 and IN 234024 in the market till the validity/expiry of the said patent in India, except under a Voluntary License granted by the Patentee/Licensee/Assignee.”

3. Learned counsel for the Defendants states that the Defendants are willing to suffer a decree in terms of prayer (a) of the suit.

4. Accordingly, a decree is issued restraining the Defendants, their directors, employees, officers, servants, agents and all others acting for and on their behalf from using, making, selling, distributing, advertising, exporting, offering for sale, and in any other manner, directly or indirectly, dealing in any product that infringes the subject matter of Indian Patent Nos. 224075 and 234024.

5. The decree sheet be drawn up accordingly.

6. Mr. Anand states that in the event of any breach of the decree by the Defendants, it will be open to the Plaintiff to seek appropriate remedies. Such remedies are obviously available to the Plaintiff in accordance with law.

7. The counter-claims are accordingly dismissed. The pending applications are also disposed of.

8. The next date, i.e., 5th September 2016 stands cancelled.

S. MURALIDHAR, J

AUGUST 29, 2016

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