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

+ CS(COMM) 757/2018 & I.A.Nos.4090-4092/2018

BAYER INTELLECTUAL PROPERTY GMBH & ANR

..... Plaintiffs

Through Mr.Pravin Anand with Mr.Nischal
Anand and Mr.Sanchith Shivakumar,
Advocates.

versus

N GOVINDARAJAN & ANR

..... Defendants

Through Mr.Rajeshwari H. with Mr.Kumar
Chitranshu, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **23.03.2018**

Present suit has been filed for permanent injunction restraining infringement of Patent No.211300, damages, rendition of accounts etc.

Ms.Rajeshwari H., Advocate appears for the defendants on seeing the matter in the cause list and states that she will file her *vakalatnama* in the course of the day. She is permitted to handover the *vakalatnama* to the Court Master during the course of the day and same be taken on record.

Learned counsel for the defendants states that she has instructions from the defendants to state that the defendants have no intent to infringe the suit Patent No.211300 and will manufacture and market the drugs with the said patent only after the term of patent has expired.

Learned counsel for the defendants states that the defendants have filed an ANDA and are exporting to the USA to support the said application. She clarifies to this Court that the defendants have not exported the impugned drug to any country other than the United States of America.

The statements/undertakings made by learned counsel for the defendants are accepted by this Court and the defendants are held bound by the same.

A decree is accordingly passed in favour of the plaintiffs and against the defendants in terms of paragraph 42(a) of the plaint verified on 22nd March, 2018 and in terms of above and with further clarification that in the event of any modification/setting aside of the order impugned in RFA(OS)(COMM) 6/2017, the plaintiffs shall be entitled to take further appropriate action as they may then be entitled to. It is also clarified that the present order/decreed shall not prejudice the rights and contentions of the parties in ongoing litigation in U.S.A.

In the event, the defendants export the impugned drug to any country other than the United States of America, including for R&D purposes, the defendants are directed to notify to the plaintiffs the country of export as well as the quantity of consignment.

The parties to bear their own costs.

Decree sheet be drawn up.

MANMOHAN, J

MARCH 23, 2018
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