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

+ **CS(COMM) 33/2017 & CC (COMM) 60/2017**

BAYER CORPORATION & ANR Plaintiffs

Through: Mr. Sanjay Kumar, Ms. Arpita
Sawhney and Mr. Arun Kumar,
Advocates.

versus

NATCO PHARMA LIMITED Defendant

Through: Ms. Rajeshwari H. and Mr. Tahir
A.J., Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **15.07.2019**

I.A. 9361/2019 (a joint application on behalf of the parties for bringing on record the terms of the settlement under Order 23 Rule 3)

1. The Plaintiff has filed the present suit seeking a permanent injunction, restraining the Defendant from infringing the patent rights claimed by Plaintiff No. 1 under the Indian Patent Number 215758 (hereinafter referred to as "the Subject Patent") by launching, making, using, offering for sale, selling and importing Sorafenib / Sorafenib Tosylate / Nexavar tablets and any other product comprising Sorafenib / Sorafenib Tosylate or any generic version of the product covered by the Subject Patent. The Defendant has also filed a counter claim which was registered as Counter Claim No. 51/2011.

2. By way of this application, the parties have voluntarily arrived at an amicable settlement resolving all the issues arising in the present suit and pursuant thereto a Settlement Agreement dated 5th June 2019, Annexure A to the application has been executed between the parties. Learned counsel for both the parties state that the suit and the counter claim may be disposed of in terms of the said settlement.

3. The Court has perused the terms of the settlement. Accordingly, the request is allowed. The suit and counter claim is permitted to be withdrawn and the suit is disposed of in the above terms. The parties shall remain bound as per the terms set out in the settlement agreement dated 5th June 2019.

4. The next date before the Local Commissioner stands cancelled.

SANJEEV NARULA, J

JULY 15, 2019

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