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

+ **CS(COMM) 130/2019**

ASTRA ZENECA AB & ANR. Plaintiff
Through Mr.Prvin Anand, Mr.Shravan Chopra,
Mr.Nischal Anand and Mr.Vibhav Mittal, Advs.

versus

JEEVAN KASARA & ANR. Defendant
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **11.03.2019**

IA No.3497/2019

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

IA No.3496/2019

By this application the plaintiff seeks 30 days' time to file additional documents. Application is allowed.

CS(COMM) 130/2019

Plaint be registered as suit.

Issue summons to the defendants by ordinary process and speed post, returnable on 5.7.2019.

IA No.3495/2019

This application is filed under Order 39 Rule 1 and 2 CPC seeking an ex parte interim injunction to restrain the defendants from in any manner, directly or indirectly dealing in any product that infringes the subject matter

of Patent Nos. IN 209907, IN 247984 and IN 272674.

In CS(COMM) 749/2018 on 22.03.2018 this court passed the following order:-

“IA No. 3986/2018

This application is filed under Order 39 Rules 1 and 2 CPC seeking ex parte injunction.

The above suit is filed by the plaintiffs seeking a decree of permanent injunction to restrain the defendants, etc. from using, making, selling or in any other manner dealing with any product that infringes the patents of the plaintiffs being Patent Nos. IN 209907, IN 247984 and IN 272674. Other connected reliefs are also sought.

It has been pointed out in the plaint that the said three patents concern the compound TICAGRELOR which is an effective platelet aggregation inhibitor. The plaintiffs state that these three patents are registered in India relating to molecule Crystalline Form and its formulation. It is also submitted that the defendants have filed a petition seeking revocation of the two patents on 12.06.2016 which is pending before the Intellectual Property Appellate Board.

Learned counsel for the plaintiffs has taken me through the WHO Drug information volume where molecule formulation and structure of TICAGRELOR is stated. He has also taken me through the application of the defendants whereby the defendants have sought registration of the patent where it has been pointed out that TICAGRELOR is a product which is the subject matter of three US patents which are the patents owned by plaintiff No.1.

It is also averred in the plaint that the defendants have yet to launch the drug but they are proposing to launch their drug some times in April 2018. Reliance is placed on a response to an RTI Application sent to the Drug Controller, Tamil Nadu who has confirmed that the defendant Company has filed an application seeking license to manufacture, sell, distribute and market the TICAGRELOR tablets.

Plaintiffs have made out a prima facie case. Balance of convenience is in favour of the plaintiffs. The defendants are restrained by ex parte ad interim injunction from selling, marketing or dealing with TICAGRELOR tablet or any drugs which is in

violation of the registered patents of the plaintiff company i.e. Patent Nos. IN 209907, IN 247984 and IN 272674

The plaintiffs will comply with Order 39 Rule 3 CPC within 5 days from today.

Issue notice to the defendants by speed post and ordinary process, returnable for 11.07.2018.”

Similar orders were passed in CS(COMM) 1023/2018, CS(COMM) 19/2019 and CS(COMM) 98/2019.

Keeping in view the above, the defendants are restrained from selling, offering for sale, marketing the drug TICAGRELOR or any other drug which is in violation of the registered patents of the plaintiff i.e. Patent Nos. IN 209907, IN 247984 and IN 272674 till further orders.

Issue notice to the defendants by ordinary process and speed post returnable for the date fixed above.

Plaintiff to comply with provisions of Order 39 Rule 3 CPC within four days from today.

JAYANT NATH, J

MARCH 11, 2019

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