



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 10TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S.No.801 of 2010

and

O.A.No.993 of 2010 and A.No.5530 of 2010

1.F.Hoffmann-La Roche Ltd.,
Group Headquarter, Grenzacherstrasse 124,
CH-4070 Basel, Switzerland,
Represented by its constituted attorney,
Ms.Sujatha Subramaniam

2.OSI Pharmaceuticals, Inc.
41, Pinelawn Road,
Melville, New York 11747,
United States of America,
Represented by its constituted Attorney,
Ms.Sujatha Subramaniam

...Plaintiffs/Applicants

Vs.

Matrix Laboratories Limited,
1-1-151/1, 4th Floor, Sai Ram Towers,
Alexander Road,
Secunderabad – 500 003.

...Defendant/Respondent

Civil suit praying that this Hon'ble Court be pleased to pass a
judgment and decree on the following terms:-

a) to grant permanent injunction restraining the defendants, their

directors, employees, officers, servants, agents and all others acting for and

on their behalf from launching, making, selling, distributing, advertising,



exporting, importing, offering for sale, and in any other manner, directly or indirectly, deal in any pharmaceutical or any chemical compound product that infringes the subject matter of Indian Patent No.196774, registered by the plaintiffs.

b) Costs incurred by these proceedings.

O.A.No.993 of 2010:-

Original Application praying that this Hon'ble Court be pleased to grant an order of ad-interim injunction restraining respondent/defendant, its directors, employees, officers, servants, agents, men, representatives and all others acting for and on their behalf from launching, making selling, distributing, advertising, exporting, importing, offering for sale and in any other manner, directly or indirectly, dealing in any product that infringes the subject matter of Indian Patent No. 196774 pending disposal of the suit.

A.No.5530 of 2010:-

Matrix Laboratories Limited,
1-1-151/1, 4th Floor, Sai Ram Towers,
Alexander Road,
Secunderabad – 500 003.

...Applicant/Respondent/Defendant

-VS-

1.F.Hoffmann-La Roche Ltd.,
Group Headquarter, Grenzacherstrasse 124,
CH-4070 Basel, Switzerland,
Represented by its constituted attorney,
Ms. Sujatha Subramaniam



2.OSI Pharmaceuticals, Inc.

41, Pinelawn Road,
Melville, New York 11747,

United States of America,

Represented by its constituted Attorney,

Ms.Sujatha Subramaniam

...Respondents/Applicants/Plaintiffs

Application praying that this Hon'ble Court be pleased to vacate

the order of ad interim exparte injunction dated 17.09.2010, passed in
O.A.No.993 of 2010 in C.S.No.801 of 2010.

This Civil suit alongwith these Applications coming on this day
before this court for hearing in the presence of Mr.K.Premachandar,
Advocate for the Plaintiffs in C.S.No.801 of 2010 and for the Applicants in
O.A.No.993 of 2010 and the respondent in A.No.5530 of 2010 and
Mr.Feroz Ali, Advocate for the Defendant in C.S.No.801 of 2010 and for
the respondent in O.A.No.993 of 2010 and for the Applicant in A.No.5530
of 2010 and upon reading the plaint filed in C.S.No.801 of 2010 and the
order dated 04.10.2010 made in A.Nos. 5529 & 5530 of 2010 and
O.A.No.993 of 2010,

the court made the following order:-

Mr.K.Prem Chandar, learned counsel appearing for the plaintiffs
would submit that the leave granted to institute the suit before this Court
was rejected by the Hon'ble Division Bench in OSA.No.365 of 2011. He
would add that challenge to the order of the Hon'ble Division Bench before

the Hon'ble Supreme Court also failed and hence, the plaint will stand



rejected, in view of the revocation of leave. It is also stated that the plaintiff has already filed a suit before the Delhi High Court.

2. In view of the same, no further orders are necessary in this case.

This suit is disposed off as such. No costs. Consequently, connected applications are closed.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
10TH DAY OF AUGUST 2021.

Sd/-

ASSISTANT REGISTRAR (COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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C.S.No.801 of 2010
and
O.A.No.993 of 2010
and
A.No.5530 of 2010

ORDER:

DATED: 10.08.2021

THE HON'BLE MR. JUSTICE
R.SUBRAMANIAN

FOR APPROVAL: 28/09/2021

APPROVED ON: 30/09/2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.801 of 2010

and

A.No.5530 of 2010 & O.A.No.993 of 2010

1.F.Hoffmann-La Roche Ltd.,
Group Headquarter, Grenzacherstrasse 124,
CH-4070 Basel, Switzerland,
Represented by its constituted attorney,
Ms.Sujatha Subramaniam

2.OSI Pharmaceuticals, Inc.
41, Pinelawn Road,
Melville, New York 11747,
United States of America,
Represented by its constituted Attorney,
Ms.Sujatha Subramaniam

...Plaintiffs

Vs.

Matrix Laboratories Limited,
1-1-151/1, 4th Floor, Sai Ram Towers,
Alexander Road,
Secunderabad – 500 003.

...Defendant

Prayer: Complaint filed under Order VII, Rule 1 of C.P.C., r/w. Order IV Rule 1 of the Original Side rules of the Madras High Court and also Sections 48 & 108 of the Indian Patents Act, 1970, seeking to grant permanent injunction restraining the defendants, their directors, employees, officers, servants, agents and all others acting for and on their behalf from launching, making, selling, distributing, advertising, exporting, importing, offering for sale, and in any other manner, directly or indirectly, deal in any pharmaceutical or any chemical compound product that infringes the subject matter of Indian



Patent No.196774, registered by the plaintiffs and for costs.

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For Plaintiffs : Mr.K.Premachandar

For Defendant : Mr.Feroz Ali

J U D G M E N T

Mr.K.Prem Chandar, learned counsel appearing for the plaintiffs would submit that the leave granted to institute the suit before this Court was rejected by the Hon'ble Division Bench in OSA.No.365 of 2011. He would add that challenge to the order of the Hon'ble Division Bench before the Hon'ble Supreme Court also failed and hence, the plaint will stand rejected, in view of the revocation of leave. It is also stated that the plaintiff has already filed a suit before the Delhi High Court.

2.In view of the same, no further orders are necessary in this case. This suit is disposed off as such. No costs. Consequently, connected applications are closed.

Sd./-(R.S.M.J.,)

10.08.2021

List of witness and documents filed on the side of the plaintiffs:

Nil

List of witness and documents filed on the side of the defendant:

Nil

Sd./-(R.S.M.J.,)

10.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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