



2023:DHC: 8470



\$~6

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **CS(COMM) 167/2023****VIFOR INTERNATIONAL LTD. & ANR. .... Plaintiffs****Through: Mr. Pravin Anand, Ms. Vaishali Mittal, Mr. Siddhant Chamola and Ms. Gitanjali Sharma, Advs.**

versus

**AISHWARYA HEALTH CARE****PRIVATE LIMITED & ORS. .... Defendants****Through: Mr. Ashutosh Kumar, Mr. Swarnil Dey and Mr. Vivek Tiwari, Advs.****CORAM:****HON'BLE MR. JUSTICE C. HARI SHANKAR****JUDGMENT (ORAL)**

%

**24.11.2023****CS(COMM) 167/2023**

1. The grievance of the plaintiffs in this suit is that the defendants are infringing the plaintiffs' registered patent IN 221536 (IN'536) which claimed the compound FERRIC CARBOXYMALTOSE, under the brand name FEROCOSE FCM. Accordingly, the plaintiffs seek a decree of permanent injunction against the defendants from infringing the plaintiffs' registered patent IN 221536 and from manufacturing and clearing in the market FERRIC CARBOXYMALTOSE, which is subject matter of the suit patent.

2. During the pendency of these proceedings IN'536 has expired on 20 October 2023.



2023:DHC:8470



3. The defendants have filed an affidavit dated 22 November 2023 deposing, on oath, that neither have they manufactured nor sold any product comprising the compound FERRIC CARBOXYMALTOSE, prior to the expiry of the suit patent.

4. In that view of the matter, Mr. Siddhant Chamola, learned Counsel for the plaintiffs does not press the present suit any further. He, however, prays that the court fees deposited by the plaintiffs may be refunded.

5. The suit stands disposed of accordingly.

6. The plaintiffs shall be entitled to refund of the court fee deposited by them.

**I.A. 5770/2023 (Order XXXIX Rules 1 and 2 the CPC) and I.A. 5771/2023 (Order XI Rule 2 the CPC)**

7. These applications do not survive for consideration and stand disposed of.

**C.HARI SHANKAR, J**

**NOVEMBER 24, 2023**

rb

*[Click here to check corrigendum, if any](#)*