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

+ **CS(COMM) 183/2020**

ELI LILLY AND COMPANY AND ANR. Plaintiffs

Through: Mr. Pravin Anand, Ms. Prachi
Agarwal, Ms. Ridhie Bajaj and
Ms. Elisha Sinha, Advocates.

versus

NATCO PHARMA LIMITED AND ANR. Defendants

Through: Mr. G. Nataraj, Mr. Shashikant Yadav
and Mr. Rahul Bhujbal, Advocates.
Ms. Hetu Arora Sethi, ASC, GNCTD
with Mr. Arjun Basra, Advocate for
IFSO, Spl. Cell, Delhi Police.

**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA**

ORDER

% **13.05.2024**

1. The Plaintiffs' present suit pertains to Indian Patent bearing No. IN 297760. Plaintiffs allege that the Defendants are indulging in infringing activities in relation to the suit patent.
2. However, Mr. G. Nataraj, counsel for the Defendants, on the other hand, on instructions, denies the allegations made in the suit. He nonetheless states that Defendant Nos. 1 and 2 will not be launching any product containing Abemaciclib till the expiry of the suit patent i.e. 15th December, 2029 or until it is invalidated.
3. Mr. Nataraj also states that Defendant Nos. 1 and 2 have not commercially launched any product of any kind in relation to Abemaciclib



till date.

4. Furthermore, Mr. Nataraj states that Defendant No. 1 reserves all their rights its rights in law, including the provisions of Section 107A of the Patents Act, 1970 to carry out such activity in relation to the development and submission of the information in India or elsewhere where the law provides for, or mandates the submission of such information and material and data.

5. In light of the aforementioned statement made by Mr. Nataraj, Mr. Anand states that no further directions are being sought against Defendant No. 3 and the suit can be disposed of. However, he clarifies that the Plaintiffs reserve their right to take appropriate action, in case the need so arises in any time in future.

6. The aforementioned statement made by Mr. Nataraj shall bind the Defendants and the suit is decreed in the above terms.

7. In the event of any breach of the aforementioned terms of settlement, by either party, parties shall have all rights and remedies, as are available in law.

8. In light of the fact that the suit is being resolved on amicable terms, Mr. Anand's request for refund of Court fees is accepted. Registry is directed to refund full Court fees to the Plaintiff.

9. With the above directions, the suit is disposed of.

SANJEEV NARULA, J

MAY 13, 2024

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