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

+ **CS(COMM) 692/2021 & I.A. Nos. 44079/2024 & 44171/2024**

INTERDIGITAL TECHNOLOGY CORPORATION &

ORS.

.....Plaintiffs

Through: Mr. Arvind Nigam, Senior Advocate
with Mr. Pravin Anand, Ms. Vaishali
Mittal, Mr. Siddhant Chamola, Ms.
Pallavi Bhatnagar and Ms. Gitanjali,
Advocates.
(M): 9871736336

versus

**GUANGDONG OPPO MOBILE TELECOMMUNICATIONS
CORP. LTD. & ORS.**

.....Defendants

Through: Mr. Saikrishna Rajagopal with Ms.
Julien George, Mr. Aniruddh Bhatia,
Mr. Arjun Gadhoke, Mr. Avijit
Kumar and Mr. Vivek, Advocates.
(M): 9953781225
Email: akumar@saikrishnaassociates.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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05.11.2024

I.A. No. 44079/2024 (Application on behalf of plaintiffs seeking disposal of the present proceedings in view of Global Patent License Agreement between the parties) & I.A. No. 44171/2024 (Application on behalf of defendants seeking disposal of present proceedings)

1. *I.A. No. 44079/2024* has been filed on behalf of the plaintiffs under Order XXIII Rule 1 read with Section 151 of the Code of Civil Procedure,



1908 (“CPC”) seeking disposal of the present proceedings in terms of the present application on account of the parties entering into a Global Patent License Agreement.

2. It is submitted that plaintiffs have filed the present proceedings seeking *inter alia* permanent injunction against the defendants, restraining infringement of their Standard Essential Patents, damages, declaration that the plaintiffs complied with their FRAND obligations *vis-a-vis* the defendants and that the defendants are unwilling licensees etc.

3. Subsequently, the defendants also filed Counterclaim being CC (COMM) 9/2022, to challenge the validity of the plaintiffs’ patents.

4. It is submitted that recently, the plaintiffs along with their affiliated companies have entered into a Global Patent Licence Agreement with the defendants on agreed terms and time duration, along with their affiliated companies, due to which parties have agreed to *inter alia* mutually terminate, without prejudice all Global Proceedings and any and all other complaints, litigations, actions, oppositions, re-examinations, retrials, appeals, enforcement proceedings, counterclaims and any other proceedings, initiated by either party, or their affiliates or otherwise pending between them or their affiliates to the extent permitted under applicable laws, and regulations initiated against each other.

5. Thus, by way of the present application, the plaintiffs wish to bring the factum of their settlement on record before this Court and seek disposal of the present suit.

6. Learned Senior Counsel appearing for the plaintiffs submits that though the plaintiffs agreed to withdraw the present suit in terms of the global settlement between the parties, however, the plaintiffs wish to reserve



their rights under law.

7. Likewise, I.A. No. 44171/2024 is an application under Order XXIII Rule 1 read with Section 151 of CPC, filed on behalf of the defendants.

8. By way of the present application, the defendants also wish to bring on record the factum of the global settlement in relation to the various disputes including the present one, *inter se* between the parties.

9. Learned counsel appearing for the defendants submits that the parties have entered into a confidential Global Patent License Agreement to settle their pending disputes and have consequently decided to withdraw their respective claims.

10. Learned counsel appearing for the defendants has also handed over an order dated 29th October, 2024 passed by the UK Court, wherein, the claims and counter claims by the respective parties have been withdrawn. He further relies upon a Press Release to show that as per the Agreement, both the parties have agreed to dismiss all pending litigations between them.

11. Per contra, learned Senior Counsel appearing for the plaintiffs submits that the laws all over the world are different. Therefore, he submits that as per the law operating in India, the plaintiffs will still have subsisting rights, which they can enforce.

12. However, the aforesaid position is disputed by learned counsel appearing for the defendants.

13. Considering the submissions made before this Court, it is directed as follows:-

13.1 The present suit is permitted to be withdrawn by the plaintiffs, without prejudice to their subsisting rights under law, if any.

13.2 The defendants are granted liberty to withdraw their counter claim,



without prejudice to their subsisting rights under law, if any.

13.3 The bank guarantee no. 240127FBGF00001 issued by IDBI Bank, Trade Finance Department, NBCC Office Complex, issued on 22nd July, 2024, shall be returned to the defendants, through their counsel, i.e., Ms. N. Parvati, from Saikrishna and Associates. The needful shall be done by the Registry within five working days of the counsel for the defendants approaching the Registry, in this regard.

13.4 All confidential documents filed by the parties are directed to be returned to the respective counsels.

13.5 All the electronic files of the confidential documents, are also directed to be deleted from the Court record, in the presence of one counsel each, from both the sides. Both the counsels are directed to approach the Registry in this regard, so that a convenient date and time is fixed by the Registry for this purpose.

13.6 Certified copies of the confidential documents shall not be issued in order to maintain confidentiality of the said documents.

13.7 In view of the settlement between the parties, the Registry of this Court is directed to issue a Certificate of Refund of full Court fees paid by the plaintiffs, to be returned through the plaintiffs' counsel i.e., Ms. Vaishali Mittal from Anand and Anand.

13.8 Considering the fact that trial in the present matter had already commenced, when the settlement has got fructified between the parties, it is directed that upon refund of the Court fees, the same shall be utilised by the plaintiffs for the purposes of social cause, including, donation to any charitable institution.

13.9 Likewise, the full Court fees as deposited by the defendants, along



with their counter claim, shall also be refunded. The Registry is directed to issue a Certificate of Refund of full Court fees in favour of the defendants through the Counsel of the defendants, i.e., Ms. N. Parvati, from Saikrishna and Associates.

13.10 The defendants are also directed that upon refund of the Court fees, the same shall be utilised by the defendants for the purposes of social cause, including, donation to any charitable institution.

14. With the aforesaid directions, the present suit, along with the pending applications, is disposed of.

15. The next date of hearing of 17th March, 2025, is cancelled.

MINI PUSHKARNA, J

NOVEMBER 5, 2024

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