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

+ **CS(COMM) 737/2018, I.A. 3620/2018, I.A. 3631/2023 & I.A. 13078/2023**

PFIZER INC. & ORS

..... Plaintiffs

Through: Mr. Pravin Anand, Ms. Tusha Malhotra and Ms. Tanvi Bhatnagar, Advocates.

versus

NAGESH PALEPU & ORS

..... Defendants

Through: Mr. Rahul Kumar, Advocate for D-2.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
08.05.2024

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1. Pursuant to the previous order of this Court, dated 07th February, 2024 the undertaking on behalf of defendant no.2 has since been filed.
2. Defendant no.2 is a company and post culmination of insolvency proceedings was taken over by new management viz. *M/S Vance & Health Pharmaceuticals Pvt. Ltd.*, duly confirmed by order dated 01st October, 2021, passed by the National Company Law Tribunal, Hyderabad.
3. Para 8 of the said undertaking is extracted as under:

8. Since the change of management of Defendant No. 2, Defendant No. 2 has not dealt with any of the Patents mentioned in the Plaint or the amended plaint. That Defendant No. 2 does not intend to infringe any existing Patents of the Plaintiffs and undertakes to abide by the applicable law.



4. In view of the same, Mr. Pravin Anand, counsel for plaintiffs, states on instructions that plaintiffs are willing to accept the undertaking and give up their relief relating to costs and damages.
5. Defendant no.3 was proceeded *ex parte* on 27th December, 2022.
6. Defendant no.1 was the earlier promoter of defendant no.2, which is now substituted by the new management.
7. Accordingly, decree is passed in the following terms:
 - (i) *Decree of permanent injunction restraining defendants, directors, employees, officers, agents, associate and group companies and all those acting for and on their behalf from using, making, selling, distributing, promoting, dealing in any manner directly or indirectly in products that infringe the subject matter of IN 243571, IN 250050 ('Crizotinib') and IN 268331 ('Tygecycline').*
8. Decree sheet be drawn accordingly.
9. Accordingly, the suit is disposed of. All pending applications, if any, are rendered infructuous.
10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 8, 2024/MR/na