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

+ CS(COMM) 923/2025, I.A. 21403/2025, I.A. 21404/2025, I.A. 21405/2025, I.A. 21406/2025 & I.A. 21407/2025

ULTRAHUMAN HEALTHCARE PVT LTDPlaintiff

Through: Mr. Peeyoosh Kalra, Mr. Shivesh Kaushik, Mr. Debashish Banerjee and Mr. Vaishali Joshi, Advs.

versus

OURA HEALTH OY & ANR.Defendants

Through: Mr. Chander M. Lall, Sr. Adv. with Mr. Afzal B. Khan, Mr. Arjun Khurana, Mr. Hardhik Choudhary and Ms. Annanya Mehan, Advs.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **01.09.2025**

I.A. 21404/2025 (Application under Section 151 of the Code of Civil Procedure, 1908 for exemption from exhausting the remedy of pre-institution mediation under Section 12A of the Commercial Courts Act, 2015)

1. The present application has been filed by the Plaintiff under Section 12A of the Commercial Courts Act, 2015 read with Section 151 CPC, seeking exemption from instituting pre-litigation mediation.
2. Learned counsel appearing on behalf of the Plaintiff states that there is no possibility of mediation between the parties.
3. Learned Senior Counsel for the Defendants as well confirms that the



parties are already in *lis* against each other in United States (US) Courts as well therefore, there is no possibility of a mediation.

4. Keeping in view the aforesaid submissions this application is allowed and disposed of.

CS(COMM) 923/2025 and I.A. No. 21403/2025

5. The present suit has been filed by the Plaintiff inter-alia seeking permanent injunction restraining the Defendants from infringing the Indian Patent No. IN 549915 owned by the Plaintiff.

6. The invention claimed in the suit is titled '*Electronic Ring Including Sensors For Monitoring Health and Fitness Parameters*'. It is stated that the Indian Patent '915 was granted in its favour on 10.09.2024 for a period 20 years from 04.03.2022.

6.1. The Plaintiff learnt about the launch of the impugned product of the Defendants in United States (US) market on 03.10.2024 *vide* social media platform, wherein OURA (i.e., Defendants) made an official announcement of the launch of 'OURA Ring 4'.

6.2. In July, 2025 the Plaintiff discovered that the Defendants are selling the impugned product in India through various e-commerce channels. Subsequently on 09.08.2025, Plaintiff learnt about Defendants brand expansion in the Indian markets through a social media post of a consultant Ms. Mayuri Pitli. The Plaintiff through a private investigator procured the impugned product from an e-commerce platform which was delivered within the territorial jurisdiction of this Court; and thus, it is evident that Defendants are preparing to introduce its impugned product in India.

6.3. It is stated that the Plaintiff and the Defendants are known to each



other and in fact the parties have pending *lis* in the US Court and Courts in India, as mentioned in paragraphs ‘12-14’ of the plaint.

7. The Defendants entered appearance on advance service.

7.1. Learned Senior Counsel for the Defendants at the outset states that the Plaintiff has suppressed from this Court the order dated 18.04.2025¹ passed by United States International Trade Commission (‘ITC’) in Investigation No. 337-TA-1398, injuncting the Plaintiff’s products in US market. He states that the said order returns a finding that Defendants’ ’178 patent has been infringed by the Plaintiff. He states that the said order dated 18.04.2025 has been confirmed by the ITC on 21.08.2025. He states that even the order dated 21.08.2025 does not even find any reference/mention in the plaint.

7.2. He states that the suit merely makes a reference to the pendency of the ITC proceedings, however, fails to disclose the injunction order dated 18.04.2025 passed against the Plaintiff herein.

7.3. He has drawn this Court’s attention to the findings recorded in the order dated 18.04.2025 at part ‘XI’, wherein the ITC has returned a finding that the Plaintiff’s product infringes Claims 1, 2 and 12-14 of the Defendants’ ’178 patent².

7.4. He also relies upon the summary of conclusion in part ‘XI’ to show that the Plaintiff herein failed to show in the said proceedings that the Claims 1, 2, 12 and 14 of Defendants’ ’178 patent were invalid.

7.5. He has also relied upon part ‘VI’ sub-part ‘C’ of the said order wherein on the assessment of credibility, Plaintiff’s claims of having a facility in Texas were found to be false.

¹ Inv. No. 337-TA-1398.

² Patent No.: US 11,868,178 B2.



7.6. He states that to oppose this suit, in addition to '178 patent, the Defendants are also relying upon '272 patent³ which has a priority date of 27.11.2018 vis-à-vis the suit patent granted in favour of the Plaintiff. He refers to Section 2(l) of the Patents Act, 1970. He states that the Defendants will be filing a claim with respect to the invalidity of the suit patent.

7.7. He states that the Defendants' products are already available in the Indian market as asserted by the Plaintiff itself at paragraph nos. '76' to '80' of the plaint.

8. In reply, Mr. Kalra, learned counsel for the Plaintiff states that the order dated 18.04.2025 passed by ITC is not relevant for deciding the merits of this matter and therefore, the non-filing of the said order is not relevant.

He relies upon the judgment of the Division Bench dated 14.11.2008 in FAO (OS) 280/2008 titled as **Magotteaux Industries Pvt. Ltd. & Ors. V. AIA Engineering Ltd.**⁴ to contend that since patent law is territorial in nature, the proceedings before the ITC in US are irrelevant and have no bearing on the controversy in this case.

8.1. He states that with respect to the order dated 21.08.2025 the same could not be placed on record, as the Plaintiff had already filed the present suit on 21.08.2025 with the registry and the order dated 21.08.2025 became available subsequently.

8.2. He states that the delay in having the suit listed before this Court between 21.08.2025 and 01.09.2025 is merely procedural; however, this time period could not have been used by the Plaintiff for placing the said orders on record.

³ Patent No.: US 2020/0089272 A1.

⁴ At paragraph '67'.



8.3. He states that he is not aware whether the Plaintiff's suit patent in India was cited as a defence before the ITC to raise a plea of invalidity vis-à-vis Defendant's patent, on grounds similar to Section 2(l) of the Patent Act, 1970.

9. This Court has perused the contents of order dated 18.04.2025, 21.08.2025 issued by ITC, issuing a limited exclusion order and cease and desist order against the Plaintiffs herein, which has the effect of barring the entry of Plaintiff's products in the US market.

10. The plaint, which was filed on 21.08.2025 makes no reference to the order dated 18.04.2025 and admittedly the said order has not been filed with the suit paper-book. The Plaintiff has no reasonable explanation for not referring to the said order in the plaint and for non-filing the said order despite the strict obligations which govern disclosure of documents in a commercial suit. [Order XI Rule 1(1) CPC, Order VI Rule 15A CPC]

11. The orders dated 18.04.2025 and 21.08.2025 refer to the rival claims of the parties with respect to the technology in question and in the opinion of the Court were relevant enough for the Plaintiff to have made a disclosure; moreover, it involves same parties. The counsel for the Plaintiff contended during the arguments that the said orders are not relevant to the dispute, however no such statement has been made in the plaint while referring to the ITC proceedings at paragraph 13.

12. This Court is not satisfied with the Plaintiff's argument that the non-filing of orders dated 18.04.2025 and 21.08.2025 is irrelevant and has no bearing on the reliefs claimed in the present suit. Wilful failure of the Plaintiff to disclose a material fact/document under the ruse of its personal opinion of the party cannot be accepted. The fact that the ITC proceeding



was germane is evident from its reference at paragraph 13 of the plaint.

13. The Plaintiff during the course of the arguments has not shown any contrition for not filing these documents and has exhibited a defiance which this Court is unable to appreciate. In fact, the ITC as well in its order dated 18.04.2025 has returned a fact finding on the false evidence rendered by the Plaintiff before the said commission in those proceedings.

14. The Plaintiff's arguments for not filing the order dated 21.08.2025 is also unpersuasive.

15. This Court take note that as a regular practice, a plaintiff seeks leave to place additional documents even before the first listing of the suit when such a document has come into existence after the filing. Therefore, this Court finds that between 21.08.2025 and 01.09.2025, the Plaintiff had sufficient time and opportunity for bringing the orders dated 18.04.2025 and 21.08.2025 on record, which it wilfully failed to do.

16. This Court is of the opinion that the non-filing of order dated 18.04.2025 and 21.08.2025 is wilful and deliberate, meriting the dismissal of the suit. [Re: **S.P. Chengalvaraya Naidu v. Jagannath**⁵ **Wheels India v. Nirmal Singh & Ors.**⁶ **M/s Standipack Pvt. Ltd. & Anr. v. M/s Oswal Trading Co. Ltd.**⁷]. The non-filing of these documents is in disregard of the obligations stipulated in the provisions of CPC as applicable to commercial suits.

17. Under these circumstances, in terms of the settled legal position, as also the factual matrix of this case, this Court is of the opinion that the captioned suit deserves to be dismissed at the threshold for the non-

⁵ (1994) 1 SCC 1.

⁶ 2010 SCC OnLine Del 2852.



disclosure of the orders dated 18.04.2025 and 21.08.2025.

18. Accordingly, the suit stands dismissed with liberty reserved to the Plaintiff to file a fresh suit after making full disclosure of the suppressed orders in the plaint and/or any other information relevant to the issue and the parties. The fresh plaint will also explain why the findings in the said orders are not relevant to the claims made in the suit proceedings.

19. Pending applications if any stands disposed of.

MANMEET PRITAM SINGH ARORA, J

SEPTEMBER 1, 2025/SK

⁷ 1999 SCC OnLine Del 417.