



\$~3

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 124/2019, I.A. 3364/2019-Stay, Vol-1, I.A. 4832/2019-O-39, R-4, I.A. 25807/2023-Addl. doc., V-2

CDE ASIA LIMITED

.....Plaintiff

Through: Ms. Pragya Mishra and Ms. Shivangi Narang, Advs.

versus

TEREX INDIA PRIVATE LIMITED

.....Defendant

Through: Mr. Abhishek Jan, Ms. Sarah Haque, Advocates

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

30.08.2024

%

1. Learned counsel for the plaintiff has moved an adjournment slip which is not opposed by learned counsel for the defendant.
2. Learned counsel(s) for the parties submit that the challenge to the post-grant opposition made by the defendant has since been decided by the Calcutta High Court vide order dated 02.08.2024 in following terms:-

“26. In view of the above, the impugned order passed by the Deputy Controller of patent and design dated 2nd March, 2023 is set aside and quashed and the matter is remanded for re-consideration. Such re-consideration shall be under taken on the following terms:-

(1) In order to preclude the possibility of pre-determination, such re-consideration shall be undertaken by the officer other than the officer who passed the impugned order.

(2) After providing opportunity of argument to all the parties, on the basis of the documents and materials available on record, the dispute of the post-grant opposition in respect of Indian Patent No.



307249 filed by the appellant shall dispose of by passing a reasoned and speaking order within a period of six months from the date of receipt of a copy of this order.

(3) It is made clear that no opinion is being expressed herein on the merits of the patent application.”

3. Renotify on 11.11.2024.

SAURABH BANERJEE, J

AUGUST 30, 2024/rr