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

+ **CS(COMM) 408/2022 & CC(COMM) 7/2024**

STERLITE TECHNOLOGIES LTD.Plaintiff

Through: Ms Prachi Agarwal and Ms Elisha
Sinha, Advocates

versus

HFCL LIMITEDDefendant

Through: Mr Shaantanu Tyagi, Ms Aishwarya
Chaturvedi, Ms Anishka Chadha and
Ms Aishwarya Mukherjee, Advocates

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **26.09.2024**

I.A. 9316/2022 (Under Order XXXIX Rule 1 & 2)

I.A. 9318/2022 (Under Order XI, Rule 1(6) CPC)

1. Pleadings are complete in the aforesaid applications.
2. Counsel for the defendant seeks a short adjournment to make submissions in respect of these applications.
3. Accordingly, list the application for hearing on 22nd January, 2025.

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4. Counsel for the defendant submits that plaintiff has filed certain additional documents on 9th February, 2024, which were refiled on 21st April, 2024 without taking leave from the Court.
5. Counsel for the plaintiff submits that she would be moving an appropriate application in this regard.



6. Based on the pleadings of the parties, the following issues are framed in the suit as well as in the counterclaim: -

IN CS(COMM) 408 OF 2022

- I. Whether the Defendant has infringed the suit patent, i.e. Indian Patent No. IN 241433 granted in favour of the Plaintiff? **OPP**
- II. Whether the Defendant has infringed the suit patent, i.e. Indian Patent No. IN 280211 granted in favour of the Plaintiff? **OPP**
- III. Whether there is any credible challenge by the Defendants to the validity of the suit patents IN 241433 and/or IN 280211? **OPD**
- IV. Whether the present suit is not maintainable, as alleged by the Defendant? **OPD**
- V. Relief. **OPP**
- VI. Whether the Plaintiff is entitled to any costs? **OPP**

IN CC(COMM) 7 of 2024

- I. Whether the suit patent IN 241433 is liable to be revoked on the ground of lack of novelty under Section 64(1)(e) of the Patents Act? **OPCC/OPD**
- II. Whether the suit patent IN 241433 is liable to be revoked on the ground of lack of inventive step under Section 64(1)(f) of the Patents Act? **OPCC/OPD**
- III. Whether the suit patent IN 241433 is liable to be revoked for lacking clarity and conciseness under Section 64(1)(h) and Section 64(1)(i) of the Patents Act? **OPCC/OPD**
- IV. Whether the suit patent IN 241433 is liable to be revoked under Section 64(1)(d) and 64(1)(k) of the Patents Act as the subject matter is not an invention and is not patentable? **OPCC/OPD**



- V. Whether the suit patent IN 241433 is liable to be revoked under Section 64(1)(g) of the Patents Act? **OPCC/OPD**
- VI. Whether the suit patent IN 241433 is liable to be revoked under Section 64(1)(j) of the Patents Act as the same was obtained on false suggestion or misrepresentation? **OPCC/OPD**
- VII. Whether the suit patent IN 280211 is liable to be revoked on the ground of lack of novelty under Section 64(1)(e) of the Patents Act? **OPCC/OPD**
- VIII. Whether the suit patent IN 280211 is liable to be revoked on the ground of lack of inventive step under Section 64(1)(t) of the Patents Act? **OPCC/OPD**
- IX. Whether the suit patent IN 280211 is liable to be revoked for lacking clarity and conciseness under Section 64(1)(h) and Section 64(1)(i) of the Patents Act? **OPCC/OPD**
- X. Whether the suit patent IN 280211 is liable to be revoked under Section 64(1)(d) of the Patents Act as the subject matter is not an invention? **OPCC/OPD**
- XI. Whether the suit patent IN 280211 is liable to be revoked under Section 64(1)(j) of the Patents Act as the same was obtained on false suggestion or misrepresentation? **OPCC/OPD**
7. No other issue arises or is pressed for.
8. The plaintiff as well as the defendant shall file their respective list of witness within four weeks.
9. The plaintiff as well as the defendant shall file their respective evidence by way of affidavits within eight weeks



10. List before the Joint Registrar on 05th December, 2024, for fixing date of the trial.

SEPTEMBER 26, 2024
ds

AMIT BANSAL, J