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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 380/2025

SUN PATENT TRUST

.....Plaintiff

Through: Ms. Vaishali R. Mittal, Mr. Siddhant Chamola, Ms. Gitanjali Sharma, Ms. Pallavi Bhatnagar and Mr. Gursimran Sindh Narula, Advs

Versus

VIVO MOBILE COMMUNICATION CO. LTD. & ORS.

.....Defendants

Through: Mr. Saikrishna Rajagopal, Ms. Julien George, Ms. Anu Paarcha, Mr. Arjun Gadhoke, Mr. Aniruddh Bhatia and Ms. Alka Bisht, Advs

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

25.04.2025

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I.A. 10393/2025 (12A CCA)

1. *Vide* the present application filed under *Section 12A* of the Commercial Courts Act, 2015, read with *Section 151* of the Code of Civil Procedure, 1908 (**CPC**), the plaintiff seeks exemption from pre-litigation mediation.

2. Considering the averments made therein, especially as the plaintiff is also seeking an *ad-interim* relief; and also since the present suit is involving a Standard Essential Patent (**SEP**) of which the plaintiff is the owner; and the plaintiff has complied with Fair Reasonable and Non-Discriminatory (**FRAND**) obligations, and in view of the judgments passed by the Hon'ble Supreme Court in ***Yamini Manohar v. T.K.D. Krithi*** 2024 (5) SCC 815 and followed by a Division Bench of this Court

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in *Chandra Kishore Chaurasia vs. R. A. Perfumery Works Private Limited* 2022:DHC:4454-DB, the plaintiff is exempted from instituting pre-litigation mediation.

3. Accordingly, the present application stands disposed of.

I.A. 10390/2025 (*Exemption*)

4. Allowed, subject to all just exceptions.

5. The application stands disposed of.

I.A. 10389/2025 (*Additional Documents*)

6. *Vide* the present application preferred under *Section 151* of the CPC, the plaintiff seeks leave of this Court to file additional documents.

7. The plaintiff will be at liberty to file additional documents at a later stage, *albeit*, after initiating appropriate steps, strictly as per the provisions of the Commercial Courts Act, 2015 read with *Section 151* of the CPC and the Delhi High Court (Original Side) Rules, 2018.

8. Accordingly, the present application stands disposed of.

I.A. 10388/2025-O 2 R 2 CPC

9. By virtue of the present application under *Order II Rule 2* read with *Section 151* of the Code of Civil Procedure, 1908, plaintiff seeks following reliefs:

“a. Grant leave to the Plaintiff to add to or amend claims as prayed for in the plaint filed in the present proceedings, including a claim for infringement of additional patents held by the Plaintiff which are found to be infringed by the Defendants’ devices at a later stage in the proceedings;

b. Grant leave to the Plaintiff to amend its claim for infringement of patents by including any additional or particular device(s) manufactured and/or sold by the Defendants which are found to be infringing at a later stage in the proceedings;

c. Grant leave to the Plaintiff to enhance its claim for damages at a

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later stage in the present proceedings;

d. Grant leave to the Plaintiff to amend the plaint, and include claims for infringement of any additional granted claim(s) of the suit patents IN 465453, IN 331203 and IN 418051, which are found to be infringed by the Defendants' devices;"

10. For the reasons stated in the present application, the same is allowed with liberty as prayed for.

11. The application stands disposed of.

I.A. 10391/2025 *(Confidential documents physically in a sealed cover)*

12. *Vide* the present application, under Section 151 of the CPC, the plaintiff seeks the following reliefs:

"a. Direct the Plaintiff to make available to this Hon'ble Court and the Defendants confidential documents specified in paragraph 4 of this application, in accordance with the terms specified in paragraph 6 of this application.

b. Direct that persons having access to the said documents, shall maintain their confidentiality in accordance with the terms specified in paragraph 6 of this application.

c. Direct that all hearings with respect to the abovementioned confidential documents be conducted in camera and only the parties' advocates and representatives be allowed to remain present for such hearings."

13. Considering the averments made in the present application and the factual matrix involved, the same is allowed and the plaintiff is granted liberty to approach the Registry for getting the said documents filed in a sealed cover.

14. Upon the plaintiff taking appropriate steps as above, the Registry shall get the documents so filed scanned and added to the electronic file of the present case in a separate folder, which shall be password protected, as



per the password provided by the plaintiff.

15. Accordingly, the present application stands disposed of.

I.A. 10392/2025 (*Seeking leave to file certain documents on a DVD/ Pen Drive*)

16. By virtue of the present application under Section 151 of the Code of Civil Procedure, 1908, plaintiff seeks following reliefs:

“a. Grant leave to the Plaintiff to submit the documents pertaining to the full versions of the Technical Specifications of the LTE-A (4G) Standard, as are relevant to the present proceedings, on a DVD / pen drive before this Hon’ble Court.”

17. In terms of *Rule 24 of Chapter XI* of the Delhi High Court (Original Side) Rules 2018, let the electronic record by way of an encrypted CD/ Digital Versatile Disc (DVD)/ Pen Drive any other medium with a hash value in a non-edited form be filed before the Registry within a period of *two weeks*.

18. Let the same accordingly form part of the record of the present suit by way of an electronic folder in such a manner that it can be opened to view by this Court as and when required. Also, let the hash value be kept separately by the Registry on the file.

19. Accordingly, the present application is allowed and disposed of.

CS(COMM) 380/2025

17. *Vide* the present plaint, the plaintiff seeks grant of permanent injunction against defendants qua Registered Patent Numbers IN 465453, IN 331203 and IN 418051 under the Indian Patent Act of 1970, as also appropriate directions to the arrayed authorities.

18. Let the plaint be registered as a suit.



19. Upon filing of the process fee, issue summons of the suit to the defendants through all permissible modes, returnable before the learned Joint Registrar on 11.08.2025.

20. Needless to say, it shall be specified in the summons that the written statement(s) shall be filed by each of the defendants within a period of *thirty days* from the date of the receipt of the summons. Written statement(s) shall be accompanied by affidavit(s) of admission/ denial of documents of the plaintiff, without which the written statement(s) shall not be taken on record.

21. Replication(s) thereto, if any, be filed by the plaintiff within a period of *fifteen days* from the date of receipt of written statement(s). The said replication(s), if any, shall also be accompanied by affidavit(s) of admission/ denial of documents filed by the defendants, without which the replication(s) shall not be taken on record within the aforesaid period of *fifteen days*.

22. If, and when, any of the parties wish to seek inspection of any document(s), the same shall be sought and given within the requisite timelines.

23. List before the learned Joint Registrar for marking exhibits of documents on 11.08.2025. It is made clear that if any party unjustifiably denies any document(s), then such party would be liable to be burdened with costs.

I.A. 10385/2025 (*Stay*); **I.A. 10386/2025** (*pro-tem security*); **I.A. 10387/2025** (*Seeking discovery by interrogatories*)

25. On the plaintiff taking requisite steps, issue notice to all the defendants by all permissible modes, returnable before the Court on



14.07.2025.

26. Reply, if any, be filed by the defendants within a period of *four weeks*. Rejoinder thereto, if any, be filed within a period of *two weeks* thereafter.

27. Renotify before the Court on 14.07.2025.

SAURABH BANERJEE, J

APRIL 25, 2025/Ab

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