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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS (COMM) 573/2021 & I.As. 14842/2021, 8689-90/2022**

RXPRISM HEALTH SYSTEMS PRIVATE LIMITED

& ANR.

..... Plaintiffs

Through: Mr. Tanmaya Mehta, Mr. Sanyam
Khetarpal, Mr. Nitesh Goyal, Ms.
Prakriti Anand and Mr. Karan
Vijayan, Advocates. (M:9873674225)

versus

CANVA PTY LTD & ORS.

..... Defendants

Through: Mr. Saikrishna Rajagopal, Ms. Sneha
Jain, Ms. Garima Sahney, Mr.
Devvrat Joshi, Dr. Victor Vaibhav
Tandon, Ms. Bhamini Shenoy and
Ms. Shruti Jain, Advocates.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 30.05.2022

1. This hearing has been done through hybrid mode.

I.A.8689/2022

2. This is an application on behalf of the Defendants seeking extension of time to bring and place the source codes in a sealed cover as directed by this Court vide order dated 17th May 2022.

3. As the source codes have come on record, ***I.A.8689/2022*** is disposed of.

I.A.8690/2022

4. This is an application seeking exemption from filing the duly executed/affirmed original notarized and apostilled affidavits. The said affidavits be filed within four weeks.

5. Accordingly, ***I.A.8690/2022*** is disposed of.



CS (COMM) 573/2021 & I.A.14842/2021

6. The source code has been submitted by Id. Counsels on behalf of both the Plaintiff and the Defendant. Mr. Saikrishna, Id. Counsel for the Defendants submits that the source code has been filed by the Defendants in terms of the orders passed by this Court vide order dated 17th October 2022.

7. However, before referring the same to an independent expert, since there are two expert reports on record by Dr. Vivek Kapoor and Dr. Ben Bederson which can be examined, it is directed that the said two experts shall join the proceedings on the next date of hearing either virtually or physically.

8. The source codes, which are filed, are taken on record and the same shall be kept in a sealed cover in a safe place by the Registrar (Original) and shall be sent to the Court on the next date of hearing.

9. The accounts of sales/ users/ downloads of the Defendants' online product 'CANVA', since August, 2020 when the feature 'Present and Record' was incorporated by the Defendants, shall be placed on record by an affidavit by 15th July, 2022. The said data shall include the data regarding free subscriptions and free downloads.

10. At this stage, the said information shall be filed in a sealed cover by Id. Counsel for the Defendants.

11. List on 17th August, 2022 and 18th August, 2022.

12. This is a part heard matter.

PRATHIBA M. SINGH, J.

MAY 30, 2022/dk/ss