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

+ CS(COMM) 644/2025 with I.A. 15142/2025, I.A. 15143/2025, I.A. 15144/2025, I.A. 15145/2025, I.A. 15146/2025, I.A. 15147/2025, I.A. 15148/2025

NOKIA TECHNOLOGIES OY

.....Plaintiff

Through: Mr. Sandeep Sethi, Senior Advocate
with Ms. Abhilasha Nautiyal,
Mr. Aditya Gupta, Mr. Vignesh Raj
T., Ms. Asavari Jain and Mr. Shuvam
Bhattacharya, Advocates

versus

ACER, INC. & ANR.

.....Defendants

Through: Ms. Mamta Rani Jha, Mr. Siddhant
Sharma, Mr. Kartikey Singh,
Mr. Abhay Tandon and
Mr. Shreyansh Gupta, Advocates

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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02.07.2025

I.A. 15147/2025 (exemption from filing documents with incorrect margins)

1. Allowed, subject to plaintiff filing documents with correct margins in four weeks.
2. The application stands disposed of.

I.A. 15146/2025 (O-XI R-1(4) of the Commercial Courts Act)

3. The present application has been filed on behalf of the plaintiff seeking leave to file additional documents.
4. The plaintiff is permitted to file additional documents in accordance with the provisions of the Commercial Courts Act, 2015 and the Delhi High



Court (Original Side) Rules, 2018.

5. Accordingly, the application is disposed of.

I.A. 15144/2025 (u/s 12A of Commercial Courts Act, 2015)

6. As the present suit contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC Online SC 1382, exemption from the requirement of pre-institution mediation is granted.

7. The application stands disposed of.

I.A. 15145/2025 (u/O II Rule 2 of the CPC, 1908)

8. This application has been filed on behalf of the plaintiff seeking leave to add or amend claims as prayed for in the plaint at an appropriate stage of the proceedings.

9. By way of the present application, the plaintiff, *inter alia*, seeks leave to add additional claims and additional reliefs.

10. Mr. Sandeep Sethi, senior counsel appearing on behalf of the plaintiff seeks leave of this Court to reserve rights in respect of the following :

- a) Addition of further devices/models which may be found to be infringing, that may already be in existence or that may be launched by the defendants in future.
- b) Addition of further patents which may be found to be infringing by the defendants as per the plaintiff.
- c) Additional claims for infringement of the suit patents.

11. In patent infringement suits, this Court notices that suits are filed on the basis of the claims/patents asserted in respect of devices that may be readily available on which testing is done to check infringement. During pendency of the present suit, the defendants may launch new models or the



plaintiff may realize that further patents or claims are also infringed. However, in every such case, filing of fresh suits or moving amendment applications under Order VI Rule 17 of the CPC would delay and complicate the adjudication of the suit. There is, therefore, a need to give some flexibility in terms of addition of new devices/models which may be found to be infringing by the plaintiff *qua* the suit patents in the existing suit itself. The said need is felt by the Court considering the nature of a patent infringement suit where the suit is filed based upon certain patents, which are asserted *qua* certain devices which may be found to be infringing in order to avoid multiplicity of proceedings.

12. Accordingly, insofar as the assertion of additional claims or adding of further devices/models *qua* the suit patents are concerned, the plaintiff is given liberty to assert the same by means of a separate affidavit which may be filed by the plaintiff with test reports, if any, prior to framing of issues. If the issues have already been framed in the suit, then the same may be asserted by means of affidavit in evidence, which may be filed by the plaintiff. In response to such an affidavit of the plaintiff, the defendants would be given liberty to rebut the same at the appropriate stage.

13. Insofar as addition of further patents is concerned, if the plaintiff wishes to assert infringement of other patents, a fresh suit would have to be filed by the plaintiff. However, the plaintiff would be at liberty to pray for consolidation at the appropriate stage.

14. Accordingly, the present application is disposed of with the direction that the plaintiff is at liberty to avail of its remedies in accordance with law in respect of any additional patents, which it may wish to assert against the defendants. As far as addition of models/devices that are found to be



infringing the suit patents is concerned, the plaintiff is at liberty to file an affidavit in accordance with the directions issued above, adding the said models/ devices or asserting additional claims *qua* the suit patents, in the present suit itself.

15. The plaintiff is also granted leave to seek enhancement of its claim for damages at a later stage in the present suit if the need so arises.

16. Both the parties have no objection to the above directions being passed.

17. Accordingly, the application stands disposed of in the aforesaid terms.

I.A. 15148/2025 (seeking to file confidential documents)

18. Along with the suit, the plaintiff has placed on record confidential documents, including the negotiations between the plaintiff and the defendants and the correspondence exchanged between the plaintiff and the defendants in a redacted form as Document 1.

19. By way of the present application, the plaintiff seeks leave of the Court to file unredacted versions of the aforesaid documents in a password-protected electronic form.

20. For the reasons stated in the application, the same is allowed and the following directions are passed:-

- (i) The plaintiff shall supply the unredacted versions of Document 1 to the defendants in a password-protected electronic form.
- (ii) The defendants shall maintain confidentiality of the aforesaid documents in terms of the existing Non-Disclosure Agreement ('NDA') between the plaintiff and the defendants.
- (iii) The plaintiff is permitted to file unredacted versions of Document 1 in the Court in a password-protected electronic



form within two weeks.

- (iv) The confidentiality of the said documents shall be preserved by the Registry of this Court.

21. The application stands disposed of.

CS(COMM) 644/2025

22. Let the plaint be registered as a suit.

23. Issue summons.

24. Ms. Mamta Rani Jha, advocate accepts summons on behalf of the defendants and waives issuance of formal summons.

25. Written statement(s) shall be filed by the defendants within thirty days from today. Along with the written statement(s), the defendants shall also file affidavit of admission/denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record. The defendants are permitted to file confidential documents in a sealed cover.

26. Liberty is given to the plaintiff to file replications, if any, within thirty days from the receipt of the written statement(s). Along with the replications filed by the plaintiff, affidavit of admission/denial of the documents of the defendants be filed by the plaintiff.

27. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

28. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

29. List on 22nd September, 2025.



I.A. 15142/2025 (u/O-XXXIX Rule 1 & 2 of Code of Civil Procedure, 1908)

30. By way of the present application, the plaintiff seeks a temporary injunction restraining the defendants from selling or dealing with any products/devices that implement the H.265/HEVC Standard and/or infringe the asserted claim/s of Indian patents no. 424507 and 338105.

31. Issue Notice.

32. Ms. Mamta Rani Jha, advocate accepts notice on behalf of the defendants.

33. Reply(ies) be filed within four (4) weeks.

34. Rejoinder(s) thereto, if any, be filed within three (3) weeks thereafter.

35. List on 22nd September, 2025.

36. In the meanwhile, the defendants shall place on record the sales particulars of the devices sold by them which are covered under the subject matter of the present suit, the details of which are given in paragraph 19 of the plaint, in a sealed cover.

I.A. 15143/2025 (seeking constitution of a confidentiality club)

37. Issue notice.

38. Ms. Mamta Rani Jha, advocate accepts notice on behalf of the defendants.

39. Reply to the application be filed within two (2) weeks.

40. Rejoinder thereto be filed within two weeks (2) thereafter.

41. List on 12th August, 2025.

AMIT BANSAL, J

JULY 2, 2025/ds