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

+ CS(COMM) 611/2019 with CAV 1096/2019 & I.A. 15352-15355/2019

FMC CORPORATION & ANR. Plaintiff

Through: Mr. Sudhir Chandra, Senior Advocate, Mr. Pravin Anand, Ms. Archana Shankar, Mr. Dhruv Anand Ms. Udit, Ms. Kavya Mammen and Mr. Devender Rawat, Advocates.

versus

NATCO PHARMA LIMITED Defendant

Through: Mr. J. Sai Deepak, Mr. G. Nataraj, Mr. Avinash K Sharma, Mr. Rishesh Sikarwar, Mr. R. Abhishek, Mr. Ankit Tripathi, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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14.11.2019

CAV 1096/2019

Learned counsel for the defendant has entered appearance. The caveat stands discharged.

I.A. 15355/2019 (Exemption from filing originals clearer copies, translated copies and left side margins)

The application for exemption is allowed, subject to the plaintiff granting inspection of the documents filed, as and when required to do so, or filing the original documents at the stage of admission/denial.

I.A 15354/2019 (Application under Order XI Rule 1 (4) r/w section 151 of the Code of Civil Procedure Code, 1908 seeking leave to file additional documents)



This is an application for filing of additional documents. The additional documents may be filed by the plaintiff, strictly in accordance with the provisions of the Commercial Courts Act, 2015.

The application is disposed of.

CS(COMM) 611/2019

1. The plaint be registered as a suit. Mr. J. Sai Deepak, Advocate, enters appearance on behalf of the defendant and waives formal issuance of summons.
2. Written statement be filed within four weeks. The defendant shall also file affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statement shall not be taken on record.
3. The plaintiff is at liberty to file a replication thereto within fifteen days after filing of the written statement. The replication shall be accompanied by an affidavit of admission/denial in respect of the documents filed by the defendant, failing which the replication shall not be taken on record.
4. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
5. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.
6. List on 24.02.2019.

I.A 15352/2019 (Application under Order XXXIV Rules 1 & 2 r/w Section 151 of Civil Procedure Code, 1908)

1. Issue notice. Learned counsel enters appearance on behalf of the



defendant. Reply to this application may be filed within four weeks. Rejoinder may be filed within two weeks thereafter.

2. Mr. J. Sai. Deepak, learned counsel for the defendant states upon instructions that the defendant has applied for regulatory approval for manufacturing and marketing the product, which the plaintiff alleges infringes the suit patent, in September 2019. He states that approval usually takes 6 to 18 months to be processed. Consequently, it is further stated that there is no likelihood of commercial launch of the product prior to March, 2020. Recording the aforesaid statement, it is unnecessary to pass an *ad-interim* order at this stage. Mr. J. Sai Deepak also states for the record that the defendant has applied to the Intellectual Property Board for revocation of the suit patent IN 201307.

3. List on 24.02.2019.

PRATEEK JALAN, J

NOVEMBER 14, 2019

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