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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 846/2022, I.A. 20572/2022, I.A. 1208/2023, I.A. 5380/2023 & I.A. 5575/2023**

AKUMS DRUGS PHARMACEUTICALS LIMITED..... Plaintiff
Through: **Mr. Avinash K. Sharma and Mr. R. Abhishek, Advs.**
versus

FERRING B.V. Defendant
Through: **Mr. Mukul Baveja and Ms. Apoorva Murali, Advs.**

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

% **ORDER**
03.04.2024

I.A. 1208/2023

1. This application has been filed by defendant for discovery of certain facts and particulars of plaintiff's product for which they have sought declaration of non-infringement under Section 105 of the Patents Act, 1970 [**'the Act'**].
2. Pursuant to previous order of this Court dated 04th March, 2024, counsel for plaintiff states that disclosure of their product itself may not be required considering Section 105(a) of the Act only requires them to furnish "*full particulars in writing of the process or article in question*".
3. He states that they have already provided the said particulars by virtue of communications dated 06th October, 2022 and 10th November, 2022.
4. To this, counsel for defendant states that the said information is



inadequate and if the product as claimed the plaintiff is already in the market they should not have any hesitation in sharing it with the defendant for them to assess the issue of declaration under Section 105 of the Act.

5. The issue, therefore, revolves around the determination of what is the scope and purview of “*full particulars in writing*” under Section 105 of the Act.

6. Both parties shall file their note of arguments on propositions they wish to advance in this regard, not exceeding three pages along with the relevant citations that they wish to rely upon.

7. The same will be filed within the next eight weeks after exchanging copies between the parties.

8. List on 31st July, 2024.

9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 3, 2024/MK/sc