



\$~25

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

+ **CS(COMM) 914/2023 with I.A. 25710/2023, I.A. 25715/2023, I.A. 9743/2024, I.A. 30202/2024, I.A. 44076/2024**

KONINKLIJKE PHILIPS N. V. & ORS.Plaintiffs

Through: **Mr. Peeyoosh Kalra, Mr. CA Brijesh,
Mr. Krisna Gambhir, Advocates.**

versus

KARMA MINDTECH & ORS.Defendants

Through: **Mr. Kunal Khanna, Advocate for D-2.
Mr. Neeraj K. Gupta and Akshay
Agarwal, Advocates for D-3.**

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **16.12.2024**

I.A. 30202/2024 (under Order VIII Rule 1 of the CPC)

1. For the reasons stated in the application, the delay of 89 days in filing Written Statement is condoned and the Written Statement is permitted to be taken on record.

2. Application stands disposed of accordingly.

I.A. 25710/2023 (under Order XXXIX Rules 1 and 2 CPC)

3. With the consent of the parties, the interim order dated 20th December, 2023 is confirmed till the final adjudication of the suit.

4. Application stands disposed of.

I.A. 9743/2024 (under Order XI Rule 1 and 12 of the CPC)

5. This application has been filed under Order XI Rule 1 and 12 of the Code for Civil Procedure, 1908 as applicable to Commercial Suits seeking



discovery by interrogatories and discovery of the defendants' documents.

6. The present suit has been filed by the plaintiff seeking permanent injunction against infringement of the plaintiffs' copyrights, trademarks and trade secrets by the defendants, along with other ancillary reliefs.

7. The plaintiffs claim copyright in respect of a software 'IntelliSpace Portal' ('ISP'), which offers advanced visualization and analysis tools and follow-up tools for medical imaging purposes.

8. The plaintiffs are also the exclusive owners of the trademarks 'PHILLIPS' and 'INTELLISPACE'.

9. It is the case of the plaintiffs that the defendants, in collusion and connivance with each other, engaged in the business of procuring and importing second-hand imaging machines in which pirated versions of the plaintiffs' 'ISP' are being installed.

10. *Vide* Order dated 20th December, 2023, the defendants were restrained from using, offering for sale or making available the 'INTELLISPACE Portal' Software or the connected applications from being run on any hardware or electronic/medical/diagnostic devices, to any person.

11. Notice in this application was issued on 2nd May, 2024. No reply thereof has been filed on behalf of the defendants till date.

12. I have heard the counsel for the parties.

13. The list of interrogatories is given in paragraph 11 of the application from (a.) to (l.). The interrogatory at (l.) has already been dealt with in the order passed by this Court on 5th November, 2024. Therefore, counsel for the plaintiffs do not press for the same.

14. In my considered view, the aforesaid interrogatories are relevant and necessary for the proper and expeditious disposal of the suit. They relate to



the matter which is in controversy between the parties.

15. Accordingly, the application is allowed.

16. The defendants shall answer the interrogatories given in paragraph 11 (a.) to (k.) of the application by way of the prescribed affidavit within four (4) weeks from today.

17. The defendants are permitted to file any information/document which is considered to be confidential in nature in a sealed cover.

CS(COMM) 914/2023

15. List before Joint Registrar for marking of exhibits on 11th February, 2025.

16. List before Court for framing of issues on 28th April, 2025.

AMIT BANSAL, J

DECEMBER 16, 2024

PB