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

+ **CS(COMM) 869/2024**

MR ANIRUDH SINGH & ANR.

.....Plaintiffs

Through: Mr. Umang Tyagi and Mr. Hardik
Saxena, Advocates

versus

ONEPLUS TECHNOLOGY INDIA PRIVATE LIMITED

.....Defendant

Through: Ms. Mamta Jha, Mr. Abhay
Tandon, Mr. Shreyansh, Advocates
through VC

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

05.05.2025

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I.A. 11106/2025-For rejection of plaint

1. By virtue of the present application, the defendant seeks rejection of the plaint under *Order VII Rule 11(a)* of the Code of the Civil Procedure, 1908.

2. It is the case of the defendant that the plaintiffs have disclosed insufficient cause of action and have only made averments qua their expired patents without identifying any alleged infringing product(s). learned counsel for the defendant submits that this is despite the well settled position of law whereby in case of patent infringement, the plaintiffs are duty bound to not only identify the infringing product(s) as also delineate as to how the same fall within the ambit of the claim(s) of the suit patent. In view thereof, it is his submission that mere vague and

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speculative averments qua the same made by the plaintiffs herein are not sufficient by themselves.

3. In view thereof, issue notice.

4. Learned counsel for the plaintiffs accepts notice. He seeks and is granted four weeks to file reply.

5. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

6. Learned counsel for the parties seek, and are granted, six weeks to file their respective written synopsis not exceeding three pages, giving a chronological list of dates and events and relevant documents, if any, alongwith duly highlighted judgments setting out the propositions of law therein, they wish to rely upon.

7. Accordingly, renotify for argument on 20.08.2025.

SAURABH BANERJEE, J

MAY 5, 2025/So

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