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

+ **CS(COMM) 1222/2018**

**COMMUNICATION COMPONENTS**

**ANTENNA INC.**

..... Plaintiff

Through: Mr.Mohit Goel, Mr.Sidhant Goel,  
Mr.Deepankar Mishra &  
Mr.Aditya Goel, Advocates.

versus

**ACE TECHNOLOGIES CORP. AND ORS.**

..... Defendants

Through: Ms.Shantanu Tyagi & Ms.Apoorva  
Murali, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**27.09.2019**

**I.A. 13480/2019 (seeking modification of the order dated 30.09.2019)**

1. Issue notice. Mr. Shantanu Tyagi, learned counsel for the defendants, accepts notice. Reply to the application be filed within one week. Rejoinder, thereto may be filed within one week thereafter.

2. The plaintiff/applicant seeks modification of the order of this Court dated 30.08.2019, by which the defendant no.1 was permitted to make a sale of antennae which allegedly infringe the suit patent number IN 240893, subject to furnishing a corporate guarantee for 10% of the sale consideration, in favour of the Registrar General of this Court. The contention of the applicant is that the order of the Division Bench dated

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08.08.2019, upon which the order dated 30.08.2019 was passed, has been set aside by the Supreme Court. Learned counsel for the plaintiff has produced a copy of the order dated 20.09.2019, passed by the Supreme in SLP(C) No.21938/2019. That order is as follows:-

*“Having heard learned counsel for the parties, we are of the view that there was absolutely no necessity for the Division Bench, by way of an interim order, to interfere with the well-reasoned Single Judge’s Order dated 12.07.2019, by which, in the interim, Bank Guarantee of Rs.40 crores and deposit of Rs.14.05 crores was ordered. This is especially so, as the respondent-company, being a Korean Company, is not ordinarily subject to our jurisdiction.*

*In this view of the matter, the Division Bench Order is set aside. The Bank Guarantee in question and the deposit to be made within a period of four weeks from today.*

*The special leave petition stands disposed of.  
Pending application stands disposed of.”*

3. Learned counsel for the defendant no.1 states that the sale pursuant to the order dated 30.08.2019 has been completed, and the corporate guarantee ordered by the said order has been deposited with the Registrar General of this Court. However, he undertakes on behalf of defendant no.1 that the corporate guarantee will be replaced by a deposit in terms of the order of the learned Single Judge dated 12.07.2019, if the plaintiff succeeds in this application, without prejudice to his rights to avail appellate remedies.

4. List on the date fixed, i.e. 17.10.2019.

**I.A. 13481/2019 (Application under Order XXXIX Rule 1 and 2 of the CPC seeking interim orders against the defendatns)**

1. Issue notice. Mr. Shantanu Tyagi, learned counsel for the  
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defendants, accepts notice. Reply be filed within one week. Rejoinder thereto may be filed within one week thereafter.

2. List on the date fixed, i.e. 17.10.2019.

**I.A. 13482/2019 (Application on behalf of defendants under Order XXV Rule1(1) of the CPC)**

1. Issue notice. Mr. Mohit Goel, learned counsel for the plaintiff, accepts notice. Reply to the application be filed within one week. Rejoinder thereto may be filed within one week thereafter.

2. List on the date fixed i.e. 17.10.2019.

**PRATEEK JALAN, J**

**SEPTEMBER 27, 2019**

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