

**M/s Shilpa Medicare Ltd. vs. M/s Salus  
Pharmaceuticals & Anr.  
COMS No.5 of 2024**

**04.03.2024** Present: Mr. Neeraj Gupta, Senior Advocate, with M/s Shradha Karol, Abhishek Jain, Nitin Thakur and Vaibhav Chauhan, Advocates, for the plaintiff.

***COMS No.5 of 2024***

Notice to the defendant, returnable for 22.04.2024.

List on **22.04.2024**.

***OMP No.68 of 2024***

Notice in above terms. Till the next date of hearing, the respondents are restrained either itself or through its directors, officers, licensees, stockiest and distributors, retailers, agents, servants and/or anyone claiming through it, jointly and severally, from manufacturing, exporting directly or indirectly, either for itself or for any third party and from infringing with the Patent rights of plaintiff/applicant under Indian Patent No. 454695 by launching, making, using, offering for sale, selling, importing and/or exporting the medicinal product Capecitabine in any form whatsoever, including pharmaceutical composition of Capecitabine or a pharmaceutically acceptable salts thereof together with at least one pharmaceutically acceptable excipient intended to be dispersed in water or any product being sold under the trademark/name "Xelodace DT<sup>TM</sup>" or any other trademark/name whatsoever, or any other product covered by the subject patents granted by the Controller of Patents in favour of plaintiff/applicant. Respondents are further

directed to remove the impugned product from its website or any other website(s)/e-portal(s).

This order is subject to compliance of provisions of Order 39, Rule 3 of the Code of Civil Procedure.

**(Ajay Mohan Goel)**  
**Judge**

March 04, 2024  
(*Vinod*)