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

+ CS (COMM) 117/2020

ASTRA ZENECA AB AND ANR. ... Plaintiffs

Through: Mr.Pravin Anand, Ms.Vaishali
Mittal, Mr.Siddhant Chamola and
Ms.Devyant Nath, Advs.

Versus

NATCO PHARMA LIMITED ... Defendant

Through: Mr.Sanjeev Sindhvani,
Sr.Advocate with Ms.Rajeshwari,
Adv.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

06.05.2020

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IA No. 3701/2020

1. This application was fixed today for arguments.
2. Learned senior counsel appearing for the defendant on instructions states that as the matter will take time to argue, without prejudice to his rights and contentions the defendant is ready and willing to stop production or dealing with the impugned drug 'DAPNAT' or any other drug which is in violation of the patent IN 205147 and IN 235625 till first October, 2020. He submits that this submission is being made in view of the fact that the genus patent IN 205147 expires on 02.10.2020. He further submits that products worth about Rs. 20 crores have been sold in the market by the defendant on principal to principal basis. He submits that it is not possible to recall the above products. He further submits that without prejudice to the validity or invalidity of the patent which would be decided subsequently that the defendant is willing to give a bank guarantee for a sum of Rs. 3 crores which would be encashable in case

this court records a finding against the defendant/ on the issue of damages and mesne profits.

3. The defendant shall remain bound by the said submission. The bank guarantee will be furnished within two weeks in favour of the Registrar General of the Delhi High Court. The validity of the bank guarantee will be up to 01.10.2020 or till further orders that this court may pass.

4. Learned counsel appearing for the plaintiff Mr.Pravin Anand however reiterates his submission that the defendants have blatantly violated the patent of the plaintiff and it is a clear case of trying to take advantage of the present pandemic situation. He also strongly denies that expiry of patent IN 205147 would in any manner render the present suit infructuous or render the claim of the plaintiff infructuous.

5. This plea, needless to add, is denied by the learned counsel for the defendant.

6. As requested by the learned counsel for the plaintiff, liberty is granted to the plaintiff to take legal steps as per law against any other party who is in possession of drugs which are in breach of IN 205147 and IN 235625.

7. List this matter for arguments on 01.07.2020.

JAYANT NATH, J

MAY 06, 2020/rb