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

+ **C.O.(COMM.IPD-PAT) 13/2022 & I.A. 15964/2023**

SANDOZ PRIVATE LTD.

..... Petitioner

Through: Ms. Mamta Rani Jha, Mr. Siddhant
Sharma, Ms. Garima Mehta, Advs.
(M: 9873137032)

versus

OTSUKA PHARMACEUTICAL CO. LTD AND
ANR

..... Respondents

Through: Mr. Pravin Anand, Ms. Archana
Shanker, Mr. Shrawan Chopra & Mr.
Achyut Tewari, Advocates for R-1.
(M: 8604633567)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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23.08.2023

1. This hearing has been done through hybrid mode.

I.A.15964/2023

2. This is an application under Rule 7(viii) of the Delhi High Court IPR Rules, 2022 seeking permission of the Court to file an affidavit of an independent expert- Dr. Simon Ward.

3. It is submitted by Mr. Anand, ld. Counsel that Respondent No.1 seeks to place on record the affidavit of Dr. Simon Ward from Cardiff University, whose testimony is sought to be relied on as an expert.

4. Since the matter is technical in nature where the patent granted in favour of Respondent No.1 being no.251204 is sought to be revoked, let the affidavit of the expert be filed within four weeks. If the Petitioner wishes to file any affidavit of its expert, it can do so within six weeks thereafter.



5. Application is disposed of.

C.O.(COMM.IPD-PAT) 13/2022

6. List on 22nd January, 2024 for consideration as to whether the cross-examination or hot-tubbing of the experts is required in the present case or not.

PRATHIBA M. SINGH, J.

AUGUST 23, 2023/dk/sk