



SUIT FOR INFRINGEMENT OF PATENT

IN THE HIGH COURT OF JUDICATURE AT _____

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

COMIP SUIT NO. _____ OF 20____

1. _____,)
 a company incorporated)
 under the provisions of the)
 Companies Act, 1956/2013)
 having its registered office at)
 _____)

2. _____,)
 a company incorporated,)
 under the provisions of the)
 Companies Act, 1956/2013)
 having its registered office at)
 _____)

..PLAINTIFFS

VERSUS

_____)
 _____)
 A private limited company)
 incorporated in India, under the)

provisions of the Companies Act,)
 1956/2013 having its registered)
 office at _____)
 _____) ..DEFENDANT

THE PLAINTIFFS ABOVE NAMED STATE AS UNDER:

1. Plaintiff No.1 is a Public Limited Company having its registered address as described in the above cause title and is the owner of Indian Patent Number _____ (hereinafter referred to as "***the Subject Patent***"). Plaintiff No. 2 is a 100% subsidiary of Plaintiff No. 1 and holds the marketing approval for the patented drug "_____".
2. Defendant is a pharmaceutical company engaged in the manufacture of pharmaceutical products and has its office at the address mentioned in the cause title above.
3. The Plaintiffs are filing the present suit to prevent the acts of infringement of Plaintiff No. 1's patent bearing No. _____ in respect of "_____" i.e. *the Subject Patent*. The Plaintiffs are seeking relief of permanent injunction, damages and/or account of profits, delivering up of the infringing goods etc.
4. (***Note: - Provide a brief write up of the activities of the Plaintiffs since incorporation, the amount spent on research and development, other patents that they have registered, etc.***)

5. On _____, Plaintiff No. 1 filed a national phase patent application under the Patent Cooperation Treaty (hereinafter referred to as “**PCT**”) in India (International filing date _____) which was numbered as _____ in respect of an invention entitled “_____” (hereinafter referred to as “*the Subject Application*”). The subject application claims priority from _____ patent applications numbered _____, _____ dated _____, _____ respectively.

6. Thereafter, in accordance with law, after scrutiny and examination of the Subject Application, the Patent Office granted the Subject Patent on _____ under Indian Patent Number _____. Hereto annexed and marked as **Exhibit ‘A’** is the copy of the certificate evidencing the grant of the Subject Patent. Hereto annexed and marked as **Exhibit ‘B’** are the copies of the specification and granted claims. The patent is still subsisting and valid on the Register of Patents and renewal fee in respect thereof are being paid annually by the Plaintiff.

7. By virtue of grant of the Subject Patent, Plaintiff No. 1 obtained, for a period of 20 years from the date of filing of the International Patent Application under PCT, an exclusive right to prevent third parties, who did not have the consent of Plaintiff No. 1, from the act of making, using, offering for sale, selling or importing for those purposes the products covered by the Subject Patent in India.

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