

# Nokia Technologies Oy vs Guangdong Oppo Mobile ... on 10 November, 2022

**Author: Prathiba M. Singh**

**Bench: Prathiba M. Singh**

\$~19, 20, 23 & 24

\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS (COMM) 303/2021, CC(COMM) 12/2022, I.As.7699/2021,  
7806/2022

NOKIA TECHNOLOGIES OY

..... Plain

Through: Mr. Pravin Anand, Ms. Vaishali

Mittal, Mr. Siddhant Chamola, Mr.

Rohin Koolwal, Ms. Sharada

Chauhan and Ms. Pallavi Bhatnagar,

Advocates. (M: 9871736336).

versus

GUANGDONG OPPO MOBILE TELECOMMUNICATIONS CORP

LTD & ORS.

..... Defendan

Through: Mr. Saikrishna Rajagopal, Ms. A

Paarch, Ms. Charu Grover, Mr. A

Kumar, Mr. Arjun Gadhoke, Mr.

Aniruddh Bhatia, Ms. N. Parvati

Vivek Ayyagiri, Ms. Stuti Dhyan

Ms. Prachi Sharma, Advocates wi

Dr. Zhi Ding,

(M:8943728551).

20

WITH

+ CS (COMM) 304/2021 & CC(COMM) 5/2022, I.A. 7706/2021

NOKIA TECHNOLOGIES OY

....

Through: Mr. Pravin Anand, Ms. Vaishali

Mittal, Mr. Siddhant Chamola, M

Rohin Koolwal, Ms. Sharada

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Advocates.

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Vivek Ayyagiri, Ms. Stuti Dhyan

Signature Not Verified

Digitally Signed

By:DEVANSHU JOSHI

CS (COMM) 303/2021 & connected matters

Signing Date:11.11.2022  
17:45:10

Ms. Prachi Sharma, A  
Dr. Zhi Ding, expert.

23 WITH  
+ CS (COMM) 162/2022 & I.As. 4158/2022, I.A. 14588/20  
NOKIA TECHNOLOGIES OY ...  
Through: Mr. Pravin Anand, Ms. Vaishali  
Mittal, Mr. Siddhant Chamola, M  
Rohin Koolwal, Ms. Sharada  
Chauhan and Ms. Pallavi Bhatnag  
Advocates.  
versus  
VIVO MOBILE COMMUNICATION CO., LTD  
& ORS. ... Defen  
Through: Mr. Saikrishna Rajagopal, Ms. Anu  
Paarch, Ms. Charu Grover, Mr. A  
Kumar, Mr. Arjun Gadhoke, Mr.  
Aniruddh Bhatia, Ms. N. Parvati  
Vivek Ayyagiri, Ms. Stuti Dhyana  
Ms. Prachi Sharma, Advocates wi  
Dr. Zhi Ding, expert for D-1 to

24 WITH  
+ CS (COMM) 171/2022 & I.As. 4267/2022  
NOKIA TECHNOLOGIES OY ....  
Through: Mr. Pravin Anand, Ms. Vaishali  
Mittal, Mr. Siddhant Chamola, M  
Rohin Koolwal, Ms. Sharada  
Chauhan and Ms. Pallavi Bhatnag  
Advocates.  
versus  
VIVO MOBILE COMMUNICATION CO. LTD.  
& ORS. ....Def  
Through: Mr. Saikrishna Rajagopal, Ms. Anu  
Paarch, Ms. Charu Grover, Mr. A  
Kumar, Mr. Arjun Gadhoke, Mr.  
Aniruddh Bhatia, Ms. N. Parvati  
Vivek Ayyagiri, Ms. Stuti Dhyana  
Ms. Prachi Sharma, Advocates wi  
Dr. Zhi Ding, expert for D-1 to

Signature Not Verified CS (COMM) 303/2021 & connected matters  
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17:45:10

CORAM:  
JUSTICE PRATHIBA M. SINGH  
ORDER

% 10.11.2022

1. This hearing has been done through hybrid mode.
2. These cases have been heard through hybrid mode by creating a separate link provided only to the parties and their counsels to participate in the hearing.
3. Both the Id. Counsels for the parties have taken instructions from their respective clients whether they are willing to share their respective agreements executed between them and Qualcomm.
4. On behalf of the Plaintiff Mr. Anand Id. Counsel, submits that the Plaintiff is willing to place on record its agreement with Qualcomm and is also willing to share the same with the members of a confidentiality club that may be constituted by an order of this Court.
5. On the other hand, Mr. Saikrishna, Id. Counsel submits that the instructions from his clients are that the interim applications ought to be decided on the basis of the pleadings and documents already on record and no further documents ought to be permitted to be filed. Id. Counsel seeks to place reliance on paragraph 13 of the written statement where it is pleaded as under:

"13. However, in the event this Hon'ble Court is pleased to allow the Plaintiff to produce its third-party license agreements, the Defendants reserve the right to amend the present Written Statement and raise all the defenses available to them, should this Hon'ble Court be pleased to allow the said documents to be taken on record."

6. It is further submitted by Mr. Sai Krishna, Id. Counsel that the Defendant's license agreement with Qualcomm would not be relevant for the purpose of determining the issue of exhaustion. Hence it is not being produced.
7. On a query to Id counsels, as to whether if the Plaintiff's agreement with Qualcomm is permitted to be produced, and the Defendant is given an opportunity to amend its written statement, it is the stand of the Id. counsels that the hearing on the interim injunction application may not to be derailed on this account and the same may be decided on the basis of pleadings and documents already on record.
8. Today, submissions on behalf of the Defendants have been concluded by Mr. Saikrishna Rajagopal, Id. Counsel on all aspects including invalidity, non-infringement, essentiality qua the suit patents as also interim reliefs.
9. List on 11th November, 2022 for Rejoinder submissions on behalf of the Plaintiff.
10. These are part heard matters.

PRATHIBA M. SINGH, J.

NOVEMBER 10, 2022 Rahul/AM/SK