

# Msn Laboratories Private Limited vs Bristol Myers Squibb Holdings Ireland ... on 28 October, 2022

**Author: Prathiba M. Singh**

**Bench: Prathiba M. Singh**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

C.O.(COMM.IPD-PAT) 66/2022

MSN LABORATORIES PRIVATE LIMITED

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Through: Mr. J. Sai Deepak, Mr. Guruswamy  
Nataraj and Mr. Ankur Vyas,  
Advocates (M: 8690011102)

versus

BRISTOL MYERS SQUIBB HOLDINGS IRELAND UNLIMITED

COMPANYBRISTOL & ORS.

..... Defend

Through: Mr. Harish Vaidyanathan Shankar,  
CGSC with Mr. Srish Kumar Mish  
Mr. Sagar Mehlawat and Mr.  
Alexander Mathai  
Advocates (M: 9810788606).  
Mr. Pravin Anand, Ms. Prachi  
Agarwal and Ms. Ridhi Bajaj,  
Advocates (M: 9958045858).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 28.10.2022

1. This hearing has been done through hybrid conferencing.

2. This petition has been filed on behalf of the Petitioner - MSN Laboratories Private Limited seeking revocation and removal from the Register of Patents of Patent no. IN 247381 titled "Lactam-containing compounds and derivatives thereof as factor Xa inhibitors" which was granted in favour of Respondent No. 1 - Bristol-Myers Squibb Holdings Ireland Unlimited Company. This Patent inter alia relates to the pharmaceutical product called Apixaban which is stated to be used for the treatment of ailments including Deep Vein Thrombosis and Factor Xa reduction. The term of the said patent came to an end on 17th September, 2022.

3. Admittedly, there are various suits and revocation petitions which are pending before this Court in respect of the said patent. The trial of the said suits and revocation could be held in a consolidated manner so as to ensure that there are no contradictory orders passed in respect of the same patent. Accordingly, the Registry is directed to consolidate all these suits and revocation petitions and place them before the Hon'ble Judge-in-charge so that they can be marked before one Bench and listed

together.

4. The lists of the various suits and revocation petitions is as under:

S.NO.	Matter Name	
1.	Bristol Myers Squibb Holdings Ireland	23.11.2

& Ors. Vs. Natco Pharma; CS (COMM) No. 342 of 2019 before the High Court of Delhi

2. Bristol Myers Squibb Holdings & Ors. 08.12.2022 Vs. Emcure Pharmaceuticals Limited; CS (COMM) No. 684 of 2019 before the High Court of Delhi

3. Bristol Myers Squibb Holding Ireland 08.12.2022 Unlimited Company & Ors. Vs Torrent Pharmaceuticals Limited; CS (COMM) Along with CC (COMM) 9 of 2020 titled Torrent Pharmaceuticals Limited Vs Bristol-Myers Squibb Holding Ireland Unlimited Company & Ors.

4. Bristol-Myers Squibb Holding Ireland 11.11.2022 Unlimited Company & Ors. Vs. Cipla Limited; CS (COMM) No. 688 of 2019 Along with CC(COMM) 8 of 2022 titled Cipla Limited Vs. Bristol-Myers Squibb Holding Ireland Unlimited Company & Ors.

5. Bristol-Myers Squibb Holding Ireland 28.10.2022 Unlimited Company & Ors. Vs. Alkem Laboratories Limited; CS (COMM) No. 708 of 2019 Along with CC (COMM) 20 of 2021 titled Alkem Laboratories Limited Vs. Bristol-Myers Squibb Holding Ireland Unlimited Company & Ors

6. Bristol-Myers Squibb Holding Ireland 08.12.2022 Unlimited Company & Ors Vs. Indoco Remedies Limited Vs. CS (COMM) 731 of 2019 Along with CC (COMM) 7 of 2021 titled Indoco Remedies Limited Vs. Bristol-Myers Squibb Holding Ireland Unlimited Company & Ors

7. Bristol-Myers Squibb Holding Ireland No next date appointed Unlimited Company & Ors Vs. BDR Pharmaceuticals International Pvt. Ltd.

8. Bristol-Myers Squibb Holding Ireland 24.11.2022 Unlimited Company & Ors Vs. Micro Labs Limited; CS (COMM) No. 302 of

9. Bristol-Myers Squibb Holding Ireland 17.11.2022 Unlimited Company & Ors Vs. Triveni Interchem Private Limited & Ors; CS (COMM) No. 490 of 2021 before the High Court of Delhi.

10. Bristol-Myers Squibb Holding Ireland 16.11.2022 Unlimited Company & Ors Vs. Consern Pharma Limited & Anr; CS (COMM) No. 504 of 2021 before the High court of Delhi

11. Bristol-Myers Squibb Holding Ireland 02.11.2022 Unlimited Company & Ors Vs. Zee Laboratories Limited CS (COMM) No. 550 of 2021 before the High Court of Delhi

12. Bristol-Myers Squibb Holding Ireland 25.11.2022 Unlimited Company & Ors Vs. Metrochem API Private Limited; CS (COMM) No. 24 of 2022 before the High Court of Delhi

13. Bristol-Myers Squibb Holding Ireland 15.11.2022 Unlimited Company & Ors Vs. Angle Biopharma and Ors, CS (COMM) 178 of 2022

14. Bristol-Myers Squibb Holding Ireland 15.11.2022 Unlimited Company & Ors Vs. Jigs Chemical Limited and Ors, CS (COMM) 180 of 2022 Revocations S. No. Matter Name NDOH 1 Micro Labs Limited vs. The Controller of 24.11.2022 Patents & Anr; CO (COMM. IPD-PAT) No. 1 of 2021 before the High Court of Delhi 2 BDR Pharmaceuticals International Pvt. 09.12.2022 Ltd. Vs. Bristol-Myers Squibb Holding Ireland Unlimited Company & Anr; C.A (COMM-IPD-PAT) No. 460 of 2022 before the High Court of Delhi.

3 MSN Laboratories Private Limited Vs. 28.10.2022 Bristol Myers Squibb Holding Ireland Unlimited Company & Ors; C.O. (COMM.IPD) No. 66 of 2022 before the High Court of Delhi 4 NATCO Pharma Limited Vs. Bristol 23.11.2022 Myers Squibb Company & Anr; CO before the High Court of Delhi.

5. List on 13th January, 2023.

PRATHIBA M. SINGH, J.

OCTOBER 28, 2022/MR/kt