

IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 68/2012

TELEFONAKTIEBOLAGET LM Plaintiff

**Through Mr. Neeraj Kishan Kaul, Senior Advocate with Mr. Anil Dutt
and Mr. Adarsh Ramanujan, Advocate**

versus

KINGTECH EELCTRONICS

(INDIA) and ORS Defendants

Through Mr. Hari Shankar and Mr. Aditya Verma, Advocate for D-1.

Mr. Satish Kumar, Senior Standing Counsel for D-2 and 3 (customs).

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

22.08.2013

IA No. 497/2012 (u/O 39 R 1 and 2 CPC)

This is an application filed by the plaintiff seeking ex parte ad interim order restraining defendant No. 1, its directors, promoters, etc. from using selling, offering for sell, etc any mobile phone that incorporates AMR Speech Codec Technology.

Learned counsel appearing for the plaintiff has pointed out that the plaintiff is the proprietor of Indian patents Nos. 203036, 203034, 203686, 213723 and 234157 which have been duly granted by the Controller of Patents, Mumbai and are duly valid and subsisting on the Register of Patents. It is stated that the aforesaid inventions are related to the

manner in which Global System of Mobile Communications (GSM) mobile operates in a GSM network and comprise the process of apparatus that need to be employed by GSM mobile phone to use Adaptive Multi Rate (AMR) Speech Codec which represents most advanced and latest technology in the telecom industries. It is submitted that the defendant No. 1 has been regularly importing mobile phones using this AMR Speech Codec Technology which is in complete violation of the patent rights of the plaintiff. It is further submitted that in the written statement that was filed by the defendant No. 1, defendant No. 1 has not taken a defence that its phones do not use AMR Speech Codec Technology.

After the arguments have been heard and judgment has been reserved, learned counsel appearing for defendant No. 1, on instructions, submits that his client undertakes to this Court not to import mobile phones which incorporate AMR Speech Codec Technology. The authorised representative/director of defendant No. 1 Company will file an affidavit to the said effect stating that defendant No. 1 will not import any mobile phone using AMR Speech Codec Technology within 10 days.

The directions in order dated 29.01.2013 in para 3 reads as follows:

?The counsel for the defendants No. 2 and 3 states that as and when any consignment is imported by the defendant No. 1, intimation thereof shall be given to the plaintiff and objections, if any, of the plaintiff thereto shall be entertained.?

The above directions shall continue to bind defendants No. 2 and 3 till the pendency of the present suit.

The present application stands disposed of.

CS(OS) No. 68/2012

List before the Joint Registrar on 29.10.2013 for carrying out admission/denial of documents.

Parties are at liberty to file additional documents before the next date.

JAYANT NATH, J

AUGUST 22, 2013/rb

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