

IN THE HIGH COURT OF DELHI AT NEW DELHI
(Ordinary Original Civil Jurisdiction)

C. S. (OS) No. ²²⁷³ Of 2008

1. Bristol-Myers Squibb Company ... Plaintiff No.1
345 Park Avenue
New York, New York 10154-0037
USA

2. Bristol-Myers Squibb India Pvt Ltd. ... Plaintiff No.2
1st Floor, "A" Block, Shivsagar Estate
Dr. Annie Besant Road, Worli,
Mumbai 400 018

Versus

1. Mr M. Adinarayan ...Defendant No.1
Company Secretary & G.M. (Corp Affairs)
Natco Pharma Limited
'NATCO HOUSE', Road No. 2,
Banjara Hills,
Hyderabad – 500 033.

2. Natco Pharma Limited ...Defendant No.2
Natco Pharma Limited
'NATCO HOUSE', Road No. 2,
Banjara Hills,
Hyderabad – 500 033

**SUIT FOR PERMANENT INJUNCTION RESTRAINING
INFRINGEMENT OF REGISTERED PATENT NO. 203937,
UNFAIR COMPETITION, DAMAGES, RENDITION OF
ACCOUNTS AND DELIVERY UP**

The Plaintiffs above named respectfully submit as follows:

1. Plaintiff No. 1, Bristol-Myers Squibb Company, (hereinafter "the Plaintiff" which expression shall include its predecessors in business, title and interest) is a company incorporated under the laws of the State of Delaware, USA and has its principal place of business in New York, USA at 345 Park Avenue, New York, USA 10154-0037.

2. The Plaintiff was founded under its present name in the year 1989 as a result of a merger between pharmaceutical companies Bristol-Myers Company, founded in 1887 by William McLaren Bristol and John Ripley Myers in Clinton, NY, and Squibb Corporation. Mr. Alok Sonig is the Managing Director of Plaintiff No.2 and is thus authorized with the legal authority to

institute legal proceedings to protect the tangible and intangible properties and assets of the Plaintiff No. 2. Plaintiff No.1 has executed an Authorization in favour of Mr. Alok Sonig to bring legal proceedings for the protection and enforcement of intellectual property rights of the Plaintiff and hence, duly authorized to sign and verify the pleadings and institute the present suit on Plaintiffs' behalf. The Certificate in favour of Mr. Alok Sonig is filed herewith.

3. Plaintiff No. 2 is a wholly-owned subsidiary of Plaintiff No. 1 and was incorporated in the year 2004. Plaintiff No. 2 manufactures and markets pharmaceutical and healthcare products in the domestic market.

4. The Plaintiff is a pharmaceutical company that manufactures and sells prescription pharmaceuticals, over-the-counter drugs and health care products in several therapeutic areas. Plaintiff is dedicated to discovering, developing and providing innovative medicines that address significant medical needs of patients worldwide for the treatment of cancer, cardiovascular disease, diabetes, obesity, psychiatric disorders, Alzheimer's disease, hepatitis, HIV/AIDS, rheumatoid arthritis, and solid organ transplant rejection.

5. The Plaintiff is a Fortune 500 Company whose mission is to extend and enhance human life. In December 1998, Plaintiff received the National Medal of Technology -- America's highest honor for technological innovation -- "for extending and enhancing human life through innovative pharmaceutical research and development, and for redefining the science of clinical study through groundbreaking and hugely complex clinical trials that are recognized models in the industry." In February 2001, Plaintiff was chosen "America's Most Admired Pharmaceutical Company" by FORTUNE Magazine.

6. The present suit concerns an Active Pharmaceutical Ingredient, DASATTINIB, invented by the Plaintiff and the Plaintiff enjoys patent protection for its invention in several countries, including India under Indian

Patent No. 203937 dated April 12, 2000. The Plaintiff's product DASATINIB was approved by the US Food and Drug Administration on 28th June 2006. A marketing approval for DASATINIB was also granted by the Drug Controller General of India ("DCGI") on August 30, 2006, to Plaintiff No. 2 and it has since that time been marketing DASATINIB under the trade name "SPRYCEL" across India.

7. DASATINIB is an anti-cancer molecule used in the treatment of adults with chronic, accelerated, or myeloid or lymphoid blast phase chronic myeloid leukaemia (CML) with resistance or intolerance to prior therapy including imatinib, as well as, in the treatment of adults who have a particular form of acute lymphoblastic leukaemia (ALL) called Philadelphia chromosome-positive (Ph+) ALL.

8. Chronic Myeloid Leukemia (CML), one of the most common forms of leukemia, arises from the excessive production of abnormal stem cells in the bone marrow, which eventually suppress the production of normal white blood cells. The development of imatinib mesylate, a small-molecule tyrosine kinase inhibitor (TKI), was the first rationally designed drug for CML. While imatinib mesylate has undoubtedly had, and continues to have, a major impact in the treatment of CML, cases of 'imatinib-resistant CML' are emerging. Combating imatinib-resistant CML is an important therapeutic challenge and one for which a new generation of TKI inhibitors, such as DASATINIB, address.

9. The Plaintiff's invention, DASATINIB, addresses the above challenge by reducing the activity of one or more proteins responsible for the uncontrolled growth of the leukemia cells of patients with CML or Ph+ ALL. This reduction allows the bone marrow to resume production of normal red blood cells, white blood cells, and platelets.

10. DASATINIB is a new, oral small-molecule tyrosine kinase inhibitor (TKI) developed by the Plaintiff for second-line treatment of patients suffering

from chronic myeloid leukemia (CML) and acute lymphoblastic leukemia (ALL) and showing resistance to prior therapy. The Plaintiff's invention accordingly has the following objects:

- i. reduction in the number of leukemia cells, and
- ii. improvement and normalization of the white blood cell, red blood cell, and platelet counts.

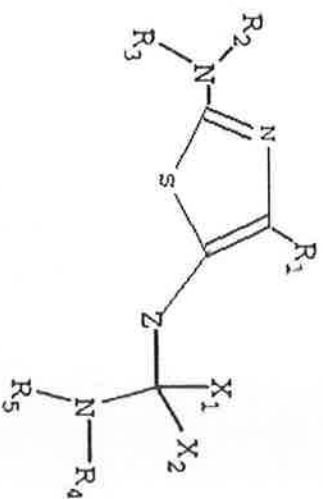
11. The Plaintiff enjoys patent protection for the aforesaid invention in several countries, including India. Plaintiff No. 1 is the Registered Proprietor of the Indian Patent No. 203937 dated April 12, 2000 (hereinafter referred to as '937) relating to their anti- cancer drug, "DASATINIB". The details of the registration of the said patent are as follows:

Patent application number:	IN/PCT/2001/1138/MUM
Patent Title:	"A COMPOUND 2-AMINO-THIAZOLE-5-CARBOXAMIDE"
Date of filing in India	September 19, 2001
International application no	PCT/US00/09753
International filing date	April 12, 2000
Date of priority	April 15, 1999
Date of grant:	November 16, 2006
Notification of grant under Section 43 Patents Act:	May 18, 2007

12. The Plaintiff's registered patent No. 203937 discloses novel 2-AMINO-THIAZOLE-5-CARBOXAMIDE cyclic compounds and salts thereof, pharmaceutical compositions containing such compounds, and methods of using such compounds in the treatment of protein tyrosine kinase-associated disorders such as immunologic and oncologic disorders.

13. The main claim of Plaintiff No. 1 in 203937 is as follows:

Claim 1: A compound of 2-amino-thiazole-5-carboxamide of formula I or salt thereof



where

Z is a single bond;

X1 and X2 together form =O;

R1 is hydrogen or alkyl;

R2 is hydrogen or alkyl;

R3 is -Z4-R6 where Z4 is a single bond and R6 is

(a) aryl optionally substituted with Z1 and Z2, and substituted with at least one group Z3 where Z3 is -Z4-NZ1Z8; or

(b) heteroaryl substituted with at least one group Z3 and optionally substituted with groups Z1, and Z2;

R4 is hydrogen or alkyl;

R5 is aryl which is unsubstituted or substituted with Z1, Z2 and one or more groups Z3;

R13 is

- (1) Cyano;
- (2) Nitro;
- (3) -NH2;
- (4) -NHOalkyl;
- (5) -OH;
- (6) -NHOaryl;
- (7) -NHCOOalkyl;
- (8) -NHCOOaryl;
- (9) -NHSO2alkyl;
- (10) -NHSO2aryl;

- (11) Aryl;
- (12) heteroaryl;
- (13) -Oalkyl; or
- (14) -Oaryl;

R14 is

- (1) -NO₂;
- (2) -COOalkyl; or
- (3) -COOaryl;

Z1, Z2 and Z3 are each independently

- 1) Z6, where Z6 is (i) alkyl, alkenyl, alkynyl, cycloalkyl, cycloalkylalkyl, cycloalkenyl, cycloalkenylalkyl, aryl, aralkyl, alkylaryl, cycloalkylaryl, heterocyclo, or heterocycloalkyl; (ii) a group (i) which is itself substituted by one or more of the same or different groups (i); or (iii) a group (i) or (ii) which is substituted by one or more of the following groups (2) to (16) of the definition of Z1, Z2 and

Z3;

- 2) -OH or-OZ6;
- 3) -SH or-SZ6;
- 4) -C(O)H, -C(O)Z, or-O-C(O)qZ6;
- 5) -SO₃H, -S(O)_qZ6; or S(O)qN(Z9)Z6;
- 6) halo;
- 7) cyano;
- 8) nitro;
- 9) -Z4-NZ6Z8;
- 10) -Z4-N(Z9)-Z5-NZ7Z8;
- 11) -Z-N(ZJ)-Z-Z;
- 12) -Z4-N(Z10)-Z5-H;
- 13) oxo;
- 14) -O-C(O)-Z6;

- 15) any two of Z1, Z2, and Z3 may together be alkyene or alkenylene completing a 3-to 8-membered saturated or unsaturated ring together with the atoms to which they are attached; or
- 16) any two of Z1, Z2, and Z3 may together be -O-(CH₂)_rO-, where r is 1 to 5, completing a 4-to 8-membered ring together with the atoms to which they are attached;

Z4 and Z5 are each independently

- (1) a single bond;
- (2) -Z11-S(O)_q-Z12-;
- (3) -Z11-C(O)-Z12-;
- (4) -Z11-C(S)-Z12-;
- (5) -Z11-O-Z12-;
- (6) -Z11-S-Z12-;
- (7) -Z11-O-C(O)-Z12-; or
- (8) -Z11-C(O)-O-Z12-;

Z7, Z8, Z9 and Z10 :

- (1) are each independently hydrogen or Z6;
- (2) Z7 and Z8, or Z6 and Z10, together are alkyene or alkenylene, completing a 3-to 8-membered saturated or unsaturated ring together with the atoms to which they are attached, which ring is unsubstituted or substituted with Z1, Z2 and Z3; or
- (3) Z7 or Z8, together with Z9, are alkyene or alkenylene completing a 3-to 8-membered saturated or unsaturated ring together with the nitrogen atoms to which they are attached, which ring is unsubstituted or substituted with Z1, Z2 and Z3;

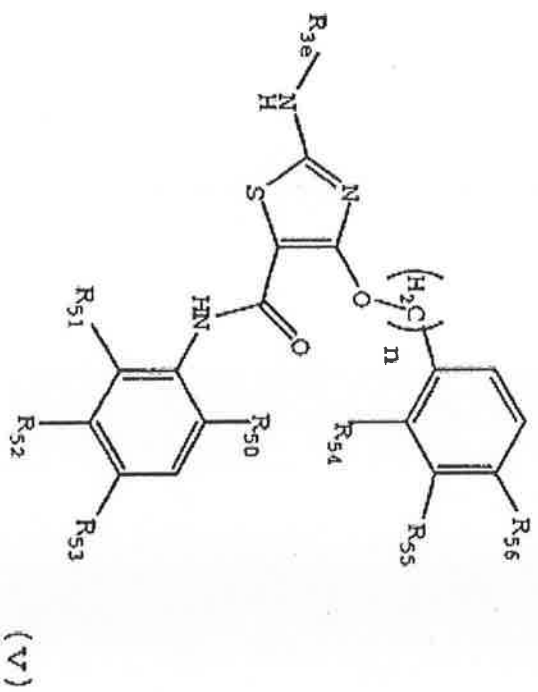
Z11 and Z12 are each independently

- (1) a single bond;
- (2) alkylene;
- (3) alkenylene; or
- (4) alkynylene; and

Z13is

- (1) a single bond;
- (2) -Z11-S(O)_q-Z12-;
- (3) -Z11-C(O)-Z12-;
- (4) -Z11-C(S)-Z12-;
- (5) -Z11-O-Z12-;
- (6) -Z11-S-Z12-;
- (7) -Z11-O-C(O)-Z12-;
- (8) -Z11-C(O)-O-Z12-;
- (9) -C(NR13)-;
- (10) -C(CHR14); or
- (11) -C (C (R14) 2)-

provided that said compound is other than a compound of formula (v)



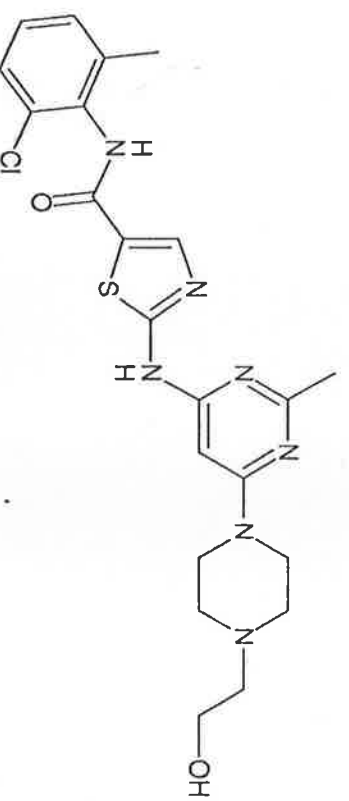
where

R3e is pyridyl or pyrimidinyl optionally substituted with halogen or alkyl;

R50 and R51 are each independently hydrogen, halogen or alkyl;
 R52 and R53 are each independently hydrogen, halogen, alkyl or haloalkyl;
 R54 and R56 are each independently hydrogen, halogen, alkyl, nitro or amino;
 R55 is hydrogen, halogen, alkyl, haloalkyl, alkoxy, haloalkoxy, alkylthio, haloalkylthio, or alkoxy-carbonyl; and
 n is zero or 1.

Claim 7: A compound as claimed in claim 1 wherein the compound of formula I or salt thereof is

'N-(2-Chloro-6-methylphenyl)-2-[[6-[4-(2-hydroxyethyl)-1-piperazinyl]-2-methyl-4-pyrimidinyl] amino]-5-thiazolecarboxamide



13A. DASATINIB has a chemical structure of:

The following information is pertinent to the Plaintiff's invention:

Chemical name	DASATINIB
Chemical compound	2-AMINO-THIAZOLE-5-CARBOXYAMIDE
Brand name of the Plaintiff's product	SPRYCEL™
Date of submission of application for marketing approval for the product in India	30 March 2006
Date of receipt of marketing approval for the product in India	30 August 2006

14. The compounds of the present invention inhibit protein tyrosine kinases and are thus useful in the treatment, including prevention and therapy, of protein tyrosine kinase-associated disorders such as immunologic disorders, oncologic disorders and diabetic retinopathy. In vitro, DASATINIB is active in variants of imatinib mesylate sensitive and resistant leukemic cell lines. DASATINIB inhibited the growth of chronic myeloid leukemia (CML) and acute lymphoblastic leukemia (ALL) in cell lines over expressing BCR-ABL.

15. The Plaintiff is the exclusive owner of the patent in India and in about 15 other countries such as USA, Australia, New Zealand, Japan, etc. The 203937 patent is a valid and subsisting patent and has a term of 20 years from 12th April 2000 in India. By virtue of the grant of the 203937 patent, the Plaintiffs have the exclusive right to make, use, exercise, sell, import and distribute the subject matter of the patent.

16. The Plaintiff has marketed SPRYCEL™ in India since November 2006. It is presently sold in approximately 50 countries throughout the world.

17. The Plaintiff has also advertised and promoted the product in India leading to substantial sales which are indicated in the table below:

Year	Quantitative Sales
2006-07	21,883,437.39
2007-08	72,790,946.44

18. The Plaintiff provides various community-based support services as well as Patient Assistance Programs. During the past five years, the Plaintiff has donated nearly \$260 million of medical products, valued at wholesale, to support partner programs throughout the world. Plaintiff No. 2 has taken initiatives for addressing the specific needs of physicians and their imatinib-resistant patients in India who may benefit from Sprycel. Plaintiff No.2 manages requests for free medicines on a case-by-case basis to meet the needs of patients who are otherwise unable to access DASATINIB. The Plaintiffs remain committed to working closely with governments, charitable

organizations, NGOs and others to help patients who face access barriers to medicines and health care.

19. Defendant No. 1, Mr. M. Adinarayan is the Company Secretary & G.M. (Corp Affairs) of Natco Pharma Limited., a company incorporated under the laws of India with a principal place of business at Natco Pharma Limited, 'NATCO HOUSE', Road No. 2, Banjara Hills, Hyderabad – 500 033, India. The Defendant No. 1 has been impleaded herein as he is responsible for the day to day activities, including the infringing activities under the present proceedings, of the Defendant No. 2. It is further submitted that during the normal course of his duties, Defendant No. 1 takes several decisions on behalf of the Defendant No.2. Defendant No. 2, Natco Pharma Limited., a company incorporated under the laws of India with a principal place of business at Natco Pharma Limited, 'NATCO HOUSE', Road No. 2, Banjara Hills, Hyderabad – 500 033, India. It is submitted that the Defendant No. 2 manufactures, sells and offers for sale the impugned products that infringe Plaintiffs' Patent.

20. Defendants are in the process of obtaining marketing approval from the Offices of the Drug Controller, India ("DCGI") for DASATTINIB API. The DASATTINIB API submitted by the Defendants has the same chemical structure as defined in paragraph 13 herein and therefore infringes upon claim 1 and claim 7 of Indian patent No. 2039937.

21. The Plaintiffs filed a request with the DCGI under the Right to Information Act, 2005 ("RTI") on 12-05-2009 requesting information regarding the filing of any application for marketing approval for "DASATTINIB API". The DCGI vide their letter dated 25th June 2009 advised the Plaintiffs that two applications for marketing approval for "DASATTINIB API" are pending with the office of the DCGI. The Plaintiff at that point in time was unsure which product the Defendant's intended to infringe since the Plaintiff has other patent protected products that are being targeted by generics.

22. Under mistaken apprehension the Plaintiff sent cease and desist notices, to the Defendant in respect of another product, BARACLUDGE, and advised the Defendants that any attempts to obtain marketing approval for a patented product of the Plaintiff could result in infringement of the Plaintiff's patent. The Defendants did not respond to any of the letters nor did they provide any clarifications with respect to the Plaintiff's BARACLUDGE product. Pursuant to receiving the response from the office of DCGI, the Plaintiffs had even more reason to believe that the Defendants were involved in activities that would result in infringement of the Plaintiff's rights under Section 48 of the Indian Patent (Amendment) Act, 2005.

23. On further investigation the Plaintiff's found that the Defendant's have been advertising their generic version of DASATTNIB, under the brand name DASANAT, and the same was offered in a conference in September 2009 in Uruguay. The Plaintiff's representatives were present at the conference, **Urufarma**, and requested for information regarding the Defendants product. The Plaintiff's representative was given a list titled "NATCO Oncology products with innovator details" which listed the Defendant's infringing product DASANAT. It is the Plaintiff's apprehension that the Defendants are pursuing similar motives in China and Argentina.

24. Further research on the internet the Plaintiffs revealed more listings of the infringing product DASANAT on two websites namely: <http://www.radiancepharma.com/anticancer.html> and the Central Government Health Scheme (CGHS) website. This is conclusive proof of the fact that the Defendants not only intend to manufacture the product upon receiving marketing approval but have already started advertising and showcasing their product.

25. Further, the mala-fide intention of the Defendants as highlighted above finds support from the fact defendants till date did not revert with their detailed response as promised by them. However, the defendants have been filing

various caveats against the Plaintiffs in various jurisdictions through out the country. Details of which are as follows:

- i. Caveat filed by the Defendants on 25th April 2009 at City Civil Court of Hyderabad.
- ii. Caveat filed by the Defendants on 29th April 2009 at High Court of Madras.
- iii. Caveat filed by the Defendants on 5th May 2009 at High Court of Calcutta.
- iv. Caveat filed by the Defendants on 6th May 2009 at Delhi High Court.
- v. Caveat filed by the Defendants on 7th May 2009 at City Civil Court of Bangalore.
- vi. Caveat filed by the Defendants on 17th August 2009 at High Court of Bombay.
- vii. Caveat filed by the Defendants at High Court of Calcutta date not mentioned, received by the Plaintiffs on 25th August 2009.

This finds clear support of the fact that the Defendants intend to violate rights owned by the Plaintiff by virtue of its registered Patent, which is liable to a legal action.

26. In the view of acts of Defendant, this is conclusive of the fact that the Defendants intend to either make, sale, distribute, advertise, export, offer for sale, or in any other manner, directly or indirectly, dealing in any product that infringes the subject matter of the Plaintiff's registered patent No.203937. The Plaintiffs have every reason to believe that the Defendants have applied for the grant of marketing approval for DASATTNIB and intend to violate Plaintiff's patent rights. Moreover, the Defendants have been constantly filing caveats against the Plaintiffs in various Courts in Delhi, Bangalore, Chennai, Hyderabad and Calcutta. This is conclusive of the fact that the Defendants intend to manufacture the pharmaceutical formulation DASATTNIB, upon receiving marketing approval and consequently infringe the Plaintiffs rights in the registered patent no. 203937.

27. Since the Plaintiff is the patentee for DASATTNIB, registered under patent No. 203937, Section 48 of the Indian Patents (Amendment) Act, 2005

confers upon the Plaintiff an exclusive right to prevent third parties from the act of making, using, offering for sale, selling or importing that product in India. Hence, an attempt to obtain marketing approval of DASATTNIB is an act intended to be in furtherance of such acts as prohibited by Section 48 and amounts to infringement of the Plaintiff's patented product which gives rise to an immediate cause of action.

28. It is important to emphasize certain facts regarding DASATTNIB. This product is of great importance in the battle against CML and Ph+ ALL especially in cases where the patients have failed to respond to treatment with imatinib mesylate due to either resistance or intolerance to imatinib. The core of the Plaintiff's invention is that it meets an unmet medical need by providing a second line treatment option in such cases.

29. The Plaintiffs apprehend that the Defendants intend to launch a generic version of DASATTNIB, which they already seem to be made public under the brand name *DASANNAT*, in complete disregard of Plaintiff's existing and valid Patent No. 203937. While Defendants' acts would cause immense damage to the Plaintiffs' business that may be in the region of crores of rupees, it would also be in blatant disregard of the Plaintiff's patent rights. In addition, the Plaintiffs would lose substantial sales if Defendants were permitted to manufacture and market its generic product in contravention of Plaintiff's patent. Further, the Plaintiffs' would lose out on substantial sales on account of the Defendants' acts of unfair competition by misappropriating the Plaintiff's patent, know-how, technology and confidential information regarding DASATTNIB. The Plaintiffs' loss of goodwill and reputation would be incalculable and irreparable.

30. The Plaintiffs have approached this Hon'ble Court at the very first instance, even before marketing approval has been granted by the DCGI to the Defendants. Hence, the balance of convenience in the present suit is in favour of the Plaintiffs and against the Defendants.

31. In the light of the above facts, it is submitted that the cause of action arose in September 2009 when the Plaintiffs first became aware of the Defendants' intention to commercialize and sell a generic version of DASATTINIB in India for which they have sought a marketing approval from the office of the DCGI.

32. The said application is still pending at the office of the DCGI and the cause of action is thus a continuous one and continues to subsist until the Defendants are restrained by an order of this Hon'ble Court.

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33. This Hon'ble Court has territorial jurisdiction to entertain the present suit as the Defendants have applied for and are pursuing their application for marketing approval of DASATTINIB with the Drugs Controller of India which has its office located at Central Drugs Standard Control Organization, Directorate General of Health Services, Ministry of Health and Family Welfare, Government of India, FDA Bhavan, ITO, Kotla Road, New Delhi, which is within the territorial jurisdiction of this Hon'ble Court. A part of the cause of action has arisen in Delhi since the Defendants are involved in a large number of activities which establish beyond doubt that they have purposefully availed of Delhi and targeted Delhi and the customers, consumers, suppliers and host of other persons for various aspects of their business activities. Hence, this Hon'ble Court has territorial jurisdiction under Section 20 of the CPC.

Further, the Defendants have been carrying on business in New Delhi through a variety of activities including activities through a liaison agent located in Pritampura, Delhi. Further particulars of the Defendants activities shall be proved after discovery and the Plaintiffs crave leave to rely on additional evidence at a later stage of the proceedings.

34. The suit is valued for the purposes of court fees and jurisdiction in the following manner:

→ Helsons in Daryaganj - Sole agent - distributor for WRTCO.

- a) For an order of permanent injunction restraining infringement of patent, this relief is valued for purposes of court fee and jurisdiction at Rs 200/- and court fees of Rs 20/- is affixed thereon;
- b) For an order of permanent injunction restraining unfair competition, this relief is valued for the purposes of court fees and jurisdiction at Rs 200/- and court fees of Rs 20/- is affixed thereon;
- c) For an order of delivery up, this relief is valued for the purposes of court fees and jurisdiction at Rs 200/- and court fees of Rs 20/- is affixed thereon;
- d) For an order of damages, this relief is valued for the purposes of court fees and jurisdiction at Rs. 50,00,000/- and court fees of Rs. 51,328/- is affixed thereon.
- e) For an order for rendition of accounts of profits illegally earned by the Defendants the suit is valued at Rs. 1000/- for purposes of court fees and requisite court fee of Rs. 150/- is affixed thereon. The Plaintiffs undertake to pay such additional court fee as would be found due when the actual amount is rendered and ascertained by this Hon'ble Court.
- The total court fee paid is Rs. 51,538/- and the jurisdictional value of the suit is fixed at Rs. 50,01,600.

35. It is, therefore, respectfully prayed that this Hon'ble Court may be pleased to grant the following reliefs in favour of the Plaintiffs: -

- a) An order for permanent injunction restraining the Defendants, their directors, employees, officers, servants, agents and all others acting for and on their behalf from making, selling, distributing, advertising, exporting, offering for sale, and in any other manner, directly or indirectly, dealing in any product that infringes the subject matter of the Plaintiff's registered patent No.203937;

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- b) An order against the Defendants restraining them from pursuing their DCGI application for DASATNIB.
- c) An order for damages of Rs. 50,00,000/- to be paid by the Defendants on account of infringement of patent and unfair competition.
- d) An order for costs in these proceedings.
- e) Any other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.
- Any such further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may be passed.

Plaintiff No. 1

Through



Alok Sonig

Constituted Attorney

Plaintiff No. 2

Through



Alok Sonig

Constituted Attorney

New Delhi

Anand and Anand

Date: 19-11-2009

Advocates for the Plaintiff

VERIFICATION:

Verified in Mumbai on this 19th day of Nov 2009, that the contents of paragraphs 1 to 25 are true to my knowledge and also based upon the records of the Plaintiffs/ information received; the contents of paragraphs 26 to 34 are based on legal advice received and believed by me to be true and lastly, paragraph 35 is in the Prayer before this Hon'ble Court.

Verified at Mumbai on this 19th day of Nov 2009.



IN THE HIGH COURT OF DELHI AT NEW DELHI

CS (OS) No. _____ of 2009

Bristol-Myers Squibb Company & ors. ...Plaintiffs

Versus

Mr M. Adinarayan & arr. ...Defendants

Affidavit of Alok Sonig, aged about 37, C/o Bristol-Myers Squibb India Pvt. Ltd., 1st Floor, "A" Block, Shivasagar Estate, Dr. Annie Besant Road, Worli, Mumbai 400 018

I, the above named deponent, do hereby solemnly affirm and declare as under:

1. I say that I am the authorized signatory of Plaintiff No.1 and the Managing Director of Plaintiff No.2. I am duly authorized and competent to swear and depose this affidavit. I have access to the records of the Plaintiffs and am fully familiar with the facts and circumstances of the present case.

2. I say that I have read the contents of the accompanying plaint which is drafted on the basis of my instructions save for the paragraphs pertaining to jurisdiction, cause of action and suit valuation which are based on legal advice, and all the contents are true to my knowledge.

3. I adopt the contents of the accompanying plaint as part and parcel of my affidavit, the same not being reproduced herein for the sake of brevity.

DEPONENT

VERIFICATION:

Verified at Mumbai on this 14th day of Nov. 2009 that the contents of my above affidavit are true to my knowledge and based on the records of the Plaintiffs and nothing material or relevant has been concealed there from.



Before me
K. S. H. DOOA
B.A. LL.B
NOV 2009

DEPONENT