



2026:DHC:3672



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Judgment delivered on: 30.04.2026*

+ **CS(COMM) 944/2024, CC(COMM) 31/2024, CRL.M.A. 32922/2024, I.A. 43924/2024, I.A. 43928/2024 & I.A. 43929/2024**

MOLD-TEK PACKAGING LIMITED

.....Plaintiff

versus

PRONTON PLAST PACK PVT. LTD.

.....Defendant

Advocates who appeared in this case

For the Plaintiffs : Mr. Ashutosh Kumar, Mr. Vinod Chauhan, Ms. Radhika Pareva, Mr. Yagya Passi, Mr. Ayush Sharma, Mr. Munesh Kumar Sharma & Mr. Adithya B., Advocates.

For the Defendant : Mr. J. Sai Deepak and Ms. Malvika Trivedi, Senior Advocates along with Mr. Vikas Khera, Mr. Vierat K. Anand, Mr. Lalit Ambastha, Ms. Sneha Sethia, Ms. Sonakshi Ahluwalia, Mr. Yash Sharma, Mr. Vikalp Singh, Mr. Harish Nadda, Mr. Jatin Gautam, Ms. Shaivika Agrawal, Mr. Rohit & Mr. Sailendra, Advocates.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

JUDGMENT

TEJAS KARIA, J

I.A. 43917/2024 & I.A. 43923/2024

1. The present Suit is filed seeking relief of permanent injunction restraining the Defendant from infringement of the Patent, damages and / or in the alternative rendition of accounts, delivery up etc. under the Patents Act, 1970 (“Act”). I.A. 43917/2024 has been filed by the Plaintiff under Order



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XXXIX Rules 1 and 2 read with Section 151 of Code of Civil Procedure, 1908 (“CPC”) and I.A. 43923/2024 is filed on behalf of the Defendant under Order XXXIX Rule 4 of CPC.

FACTUAL MATRIX

2. The Plaintiff is a public listed company duly incorporated on 28.02.1997, under the provisions of Companies Act, 1956. The Plaintiff is engaged in the business of manufacturing injection molded containers for lubes, paints, food, and other products.

3. The Plaintiff has developed In-Mould Labelling (“IML”) decorated packaging units including containers and lids thereof for the first time in India. The Plaintiff is the only company in India, with respect to products in question, to have completely integrated facilities ranging from mould designing, mould manufacturing plastic packaging products and in-mould label manufacturing as per requirements, mould adaptations to in-house robotic manufacturing.

4. The Plaintiff is a registered proprietor / patentee of Indian Patent No. 401417 (IN’417) under Patent Application No. Patent Application No. 4705/CHE/2014 titled ‘Tamper-Evident Leak Proof Pail Closure Systems’ (“**Suit Patent I**”) with independent claim nos. 1 and 6 and dependent claims nos. 2 to 5 are dependent on claim no. 1 and claim nos. 7 to 9 are dependent on claim no. 6. Suit Patent I is legal, valid and subsisting, which was granted by the Patent Office on 15.07.2022. The bibliographic details of the Suit Patent I are hereunder:

Patent No.	401417
Title	Tamper-Evident Leak Proof Pail Closure Systems
Granted Claims	9 claims (Claim 1 and Claim 6 are independent claims)



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Patentee	MOLD-TEK Packaging Limited		
Application Number	4705/CHE/2014		
Filing date	25/09/2014		
Date of Patent	25/09/2014		
Publication u/s 11A	01/07/2016		
Date of Grant	15/07/2022		
Publication u/s 43(2)	15/07/2022		
Date of expiry	25/09/2034		
Foreign Counterpart	Jurisdiction	Application No.	Status
	PCT	PCT/IN2015/000369	Published
	UAE	P6000317/2017	Patent Pending
	Bahrain	20170051	Patent Pending
	Oman	OM/P/2017/00075	Patent Pending
	Saudi Arabia	517381152	Patent Granted SA9112
	Qatar	QA/201703/00132	Patent Pending
	Iran	139550140003015944	Abandoned

5. The Suit Patent I relates to an improved pail or container, especially a tamper-evident leak proof pail or container. The said tamper-evident pail or container comprises of compatible closures and particularly an arrangement wherein the closure is provided with a tear band which is manually operable



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to facilitate opening the pail or container for access to the content therein. The Suit Patent I provides a novel and inventive tamper-evident closure-container combination having special advanced features. The advanced features include tamper evidence and a tear away band which can be pulled out in anticlockwise direction around the periphery of the container. The closure includes primary and secondary locking facilities which allow the container to be used safely and effectively. The container is shaped and configured such that the closure fits into the sections defined so that a primary zone or zones of weight transfer between the closure and the container occurs at the surface of the side wall of the container.

6. The present invention is a closure having multi-functionality comprises features which are highly desirable, in combination with a container comprising a tear band that further provides security from tampering and indicating when tampered. Such a closure and container combination is particularly useful for the shipment, storage and marketing of products such as pet food, paints etc. which are not fully consumed in a single serving or distribution but may be dispensed over a period - days or weeks. The container and closure combination of present invention provides a closure which is readily manually altered by removal of a tear band for opening but provides for easy and secure closing and reopening after removal of the tear band.

7. The Plaintiff is a registered proprietor / patentee of Indian Patent No. 298724 under Patent Application No. 20/KOL/2009 titled 'A Tamper Proof Lid Having Spout for Containers And Process for its Manufacture' ("**Suit Patent II**") with independent claim nos. 1 (product claim) and 9 (process claim) and dependent claims nos. 2 to 8 are dependent on claim no. 1 and claim nos. 10 to 13 are dependent on claim no. 9. The Plaintiff has not made any



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application for the same / substantially the same invention outside India. Suit Patent II was granted by the Patent Office on 11.07.2018. The bibliographic details of Suit Patent II are hereunder:

Patent No.	298724
Title	A Tamper Proof Lld Having Spout for Containers and Process for its Manufacture
Granted Claims	13 claims
Patentee	Mold-Tek Packaging Limited (Plaintiff)
Application Number	20/KOL/2009
Filing date	01/01/2009
Date of Patent	01/01/2009
Publication u/s 11A	20/02/2009
Date of Grant	11/07/2018
Publication u/s 43(2)	13/07/2018
Date of expiry	01/01/2029
Foreign Counterpart	No corresponding foreign application has been made for the suit patent

8. Suit Patent II relates to a novel and inventive product *viz.* a tamper proof lid having a leak proof spout for containers and a process thereof. The product and process of preparation of tamper and leak proof lid as disclosed and claimed in the Suit Patent II is a very efficient industrial process and results in a product (i.e., tamper-proof lid with spout for container) providing 100% leak proof assembly of the spout, in an interlocked arrangement with the main cap / lid and a tamper proof lid for the container.

9. Suit Patent II provides for a leak-proof pull up spout assembly, having special 'M' shaped contour at circular periphery providing perfect leak-proof



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joint while assembled with main lid and adapted to support pull-up operation. An inverted 'U' shaped contour in spout closure facilitates leak-proof fit with base by a threaded interconnection, creating a leak proof barrier through the spout base orifice. The tamper proof lid with spout for containers wherein a 'shrink fit area' and a 'tail ring area' are selectively provided on the main lid opening to house the spout assembly in 100% leak proof yet detachable manner, involving spinning operation, ensures desired dispensing at user end.

PROCEDURAL HISTORY

10. The Plaintiff filed a suit being CS(COMM) 668/2023 titled as '*Mold Tek Packaging Limited v. Pronton Plast Pack Private Limited*' before the learned District Judge, Commercial Court, Patiala House Courts, New Delhi ("**Trial Court**") for grant of *ad-interim* interlocutory injunction.

11. *Vide* order dated 20.12.2023, the learned Trial Court granted *ad interim* interlocutory injunction in favour of the Plaintiff in respect of the Suit Patents restraining the Defendant from infringing the Suit Patents. The Defendant moved an application for vacating the order dated 20.12.2023 before the learned Trial Court. *Vide* order dated 02.05.2024, the learned Trial Court vacated the *ad interim* injunction granted order dated 20.12.2023.

12. Thereafter, the Defendant filed the Counter Claim before the learned Trial Court being CC(COMM) 19/2024 challenging the validity of the Suit Patents for seeking revocation / cancellation / rejection / rectification of the Suit Patents. Accordingly, the learned Trial Court transferred the Suit and Counter Claim to this Court in term of Section 104 of the Act, which are renumber as CS (COMM) 944/ 2024 and CC(COMM) 31/2024.

13. The order dated 02.05.2024 passed by learned Trial Court was challenged by the Plaintiff before the Division Bench of this Court and *vide*



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order dated 11.07.2025. The Division Bench of this Court allowed the Appeal filed by the Plaintiff by setting aside the order dated 02.05.2024 vacating the *ad-interim* injunction was set aside and the order dated 20.12.2023 was directed to remain operational and matter was remanded to this Court for fresh adjudication on the aspect of interim injunction.

14. *Vide* order dated 08.10.2025, the Judgment was reserved in these Applications. During the course of hearing, the Parties relied upon the Order dated 20.08.2025 passed in a suit filed by the Plaintiff against a third-party namely, *Neway Industries Pvt. Ltd.* (“**Neway**”) being CS(COMM) 1/2024 before the District Judge (Commercial Court)-01, Patiala House Court, Delhi involving the Suit Patents, whereby the interim injunction *qua* Suit Patent I was granted in favour of the Plaintiff against Neway, whereas it was rejected in respect of Suit Patent II.

15. Both the Plaintiff and Neway had preferred their respective appeals before the Division Bench of this Court being ‘*Neway Industries Pvt. Ltd. v. Mold-Tek Packaging Limited*’ FAO(COMM) No.235/2025 and ‘*Mold-Tek Packaging Limited v. Neway Industries Pvt. Ltd.*’ FAO(COMM) No.241/2025. *Vide* judgment dated 28.01.2026 the Division Bench decided the said Appeals, 2026:DHC:702-DB (“**Neway Judgment**”), wherein the aspect of invalidity of Suit Patent II has been remanded back to the learned Trial Court. Accordingly, at the request of the Parties the matter was listed for clarification on 07.02.2026 and with the consent of the Parties, the order dated 08.10.2025 reserving the judgement in these Applications was recalled. On 07.02.2026, the Parties made submissions on the limited aspect of the Neway Judgment and, accordingly, the Judgment in the present Applications was reserved.



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SUBMISSIONS ON BEHALF OF THE PLAINTIFF

16. The learned Counsel for the Plaintiff submitted that:
 - 16.1. The Plaintiff is a progressive ISO 9001-2015 certified company based in Hyderabad, India, involved in the manufacture of high-quality plastic packaging products. The Plaintiff became a publicly listed (BSE: 533080) enterprise in the year 1993 and NSE in the year 2015.
 - 16.2. The Plaintiff has decoration facilities including IML-Robotic Decoration, In-house Integrated IML manufacture with 9 color gravure printing machine and label cutting machines including Schober, automatic screen printing, offset printing, shrink sleeving, heat transfer labeling decoration etc. The Plaintiff uses hot runners and beryllium-copper inserts to make world class molds at a fraction of costs. The Plaintiff has more than 70 injection molding machinery up to 650 ton including Cincinnati, Engel, Demag, Krauss-Maffei, and Niigata. The Plaintiff's products are used by Blue Chip and Multi-National Companies. They have high precision, low dimensional variations, and great stability on the automated filling lines.
 - 16.3. The Plaintiff has various prominent clients, namely, Unilever, Dabur, Vadilal, Pepsi, Hatsun, Quality Walls, Haldiram, Parle, Diary Day, Heinz, Café Coffee Day, Heritage, Duke, Adani Wilmar, Prestige, Paras etc.
 - 16.4. The object of the present invention to provide a new and improved container closure that can be readily applied by hand



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and can be removed with equal ease with the use of hand. The other objects of the present invention are hereunder:

- a. To provide a closure with a tamper-evident feature and a tear band.
 - b. To provide a closure with a special locking feature for a container, particularly a pail.
 - c. To provide a closure, where after the removal of the tear band, a piece of the closure remains intact with the container indicating the tampering of the container.
 - d. To provide a container with reinforcing ribs or web which improves the strength-to-material and / or strength-to-weight ratios and also enhances the polymer flow during moulding with lower energy.
- 16.5. The products of the Plaintiff which are manufactured using the Suit Patents I and II technologies have achieved tremendous success in the market. The sales figures for the Financial Year (“FY”) 2018-2019 of the products sold under the Suit Patent I were ₹24.66 crores and for Suit Patent I, ₹142.08 crores.
- 16.6. The Defendant, *Pronton Plast Pack Pvt. Ltd.*, is engaged into business of manufacturing and selling of products like plastic container, pails, drums, lids etc., including the range of products which infringes the Suit Patents I and II of the Plaintiff (“**Impugned Goods**”).
- 16.7. In the first week of November 2023, the Plaintiff came to know through website, namely IndiaMart, that the Defendant is selling and offering for sale various products, infringing



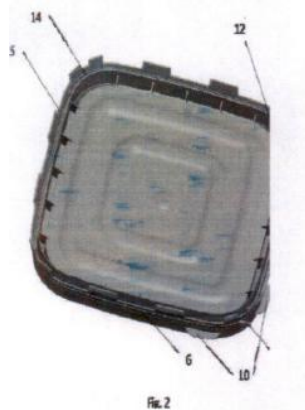
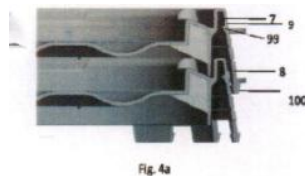
Plaintiff’s Suit Patents I and II. It was further revealed that the products (*viz.* plastic containers) of the Defendant are identical to the products of the Plaintiff in all respect and are substandard in quality.

16.8. A comparative analysis of claims of Plaintiff’s Suit Patent I and features of Impugned Goods of the Defendant are reproduced hereunder:

GRANTED CLAIMS PLAINTIFF	PICTURES OF THE DEFENDANT PRODUCTS	INFRINGING FEATURES IN THE DEFENDANT’S PRODUCT
<p>Claims:</p> <p>1. A tamper-evident lid comprising of: a tamper-evident means having</p> <p>i) one or more tear bands (6) in outer wall (4) of the said lid (1) between the primary section (7) and the secondary section (8) of the lid(1);</p> <p>ii) a tear path extending continuously around the said lid (1); and</p>  <p>iii) at least one starting knob (6a) contiguous to the said tear bands (6); characterized in that, said tear band (6) present on the outer wall (4) of the lid (1) is peeled along the said</p>	 <p>Figure -1</p>  <p>Figure -2</p>  <p>Figure -3A</p>	<p>1. The first two pictures (Fig. 1 and 2) of the product on the left hand side clearly showing the tamper evident lid in the defendant product comprising of:</p> <p>i) a tear band labeled as (6) visible on the outer side (4) of the lid between the primary section (7) and secondary section (8) of the lid.</p> <p>and</p> <p>ii) the 1st picture (Fig 1) showing the tear band peeled off following a path extending Continuously around the lid</p>



tear path to permit upper primary portion (7) of the said lid (1) to be completely lifted from the open top while the lower secondary portion (8) of the said lid (1) remains attached to a container (2) through a secondary locking section(8) providing a visual indication of lid (1) from the container (2) is being opened; and said secondary locking section(8) consisting of a secondary lock (11) with a protrusion. 2. The tamper-evident lid as claimed in claim 1, wherein the tear



path is defined by score lines or discrete frangible bridges or ribs extending across a gap between the tear band



Figure -3B



Figure -4



Figure -5



Figure -6

and

ii) iii) Fig. 1, 2, 3A on the left hand side of the lid section of the product shows the presence of a starting tear knob (6a) contiguous to the said tear band (6) present on the outer wall (4) of the lid such that the tear band (6) along the tear path to open the primary portion (7) of the lid from the top and the lower secondary locking section (8) remains attached to the container comprising a secondary lock (11) present on the secondary portion (8) of the lid/closure (1) containing protrusions (100) in Fig. 3B in the defendant product.

2. Fig. 4 shows the tear path which is defined by score lines or discrete frangible bridges or ribs extending across a gap between the



(6) and the remainder of the closure.

3. The tamper-evident lid as claimed in claim 1, wherein the secondary lock (11) comprises lugs that penetrate into spring-back hinges (26) of the container (2).



Fig. 5

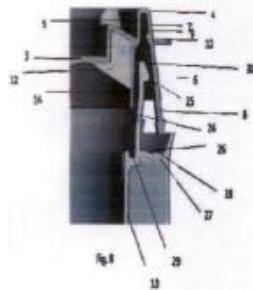


Fig. 6



Fig. 7

4. The tamper-evident lid as claimed in claim 1 wherein the lid (1) comprises at least one or more finger gripping portions (10).



Figure -7



Figure -8A



Figure -8B



Figure -9

tear band (6) of the lid (1).

3. In Fig. 5 shows the tamper-evident lid in the defendant product comprises of a secondary lock (11) comprises of lugs that penetrate into spring-back hinges (26) of the container shown in Fig. 6.

4. In Fig. 7, the tamper-evident lid (1) of the defendant product shows the presence of finger gripping portion (10).

5. Fig. 8 A and B of the tamper-evident lid shows the presence of:

i) an inverted U-shaped peripheral channel defined by the outer wall (4) and the inner wall of the said lid of the defendant product.

a rim section (14) on the inner side (5) of the lid beside the inner wall (Fig. 8B)

6. Fig. 9 shows



5. The tamper-evident lid as claimed in claim 1 includes a leak-proof means comprising of:

Fig. 2

i) an inverted Ushaped peripheral channel defined by the outer wall (4) and the inner wall (5) of the said lid (1);

a rim section (14) on the inner side of the lid (1) beside the inner wall (5);

(iii) a primary section (7) consisting of a primary lock (9) with a protrusion (99) towards the inverted U- shape peripheral channel that cooperates with radially outwardly extending lip (30) on open end of side wall (13) of the container (2) for detachable locking of the container (2) with the lid (1).

Figure -10

Figure 11

Figure 12

(FIGURE 1 TO 11A) EXPLAINING THE INITIAL PARTS CLAIMED IN CLAIM 5 POINT NUMBER (III)

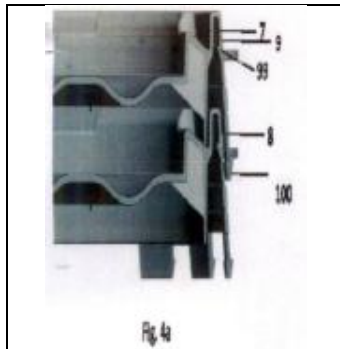
the picture of the container-closure combination of the defendant product comprising: i) of a secondary lock with a protrusion (100); (Fig. 9)

ii) a primary lock (9) on a primary section consisting of a protrusion (99) over the primary lock (9) situated on the primary section (7) of the lid/closure (1)(Fig.9).

b) said container in Fig. 10 having:

i. radially outwardly extending lip (30) on open end of side wall (13) of the container (2) for detachable locking of the container (2) with the lid (1) in the defendant product [as shown in Fig. 10]

c) Fig. II and Fig. 12 shows the lid (1) picture of the defendant product with outer wall side (4) marked in Fig. II and inner wall marked in Fig. 12



6. A tamper-evident leak-proof lid and container combination for the transfer of load from the said lid to the said container comprising of;

a) a tamper-evident lid (1) having:

- i. one or more tear bands (6) in outer wall (4) of the said lid (1) between the primary section (7) and the secondary section (8) of the lid (1),
- b) said container (2) having 1. a side wall (13) with an open top forming a U-shaped channel, and ii. a base; wherein the side walls (13) of the said container (2) are tapered as they project from the base to the top of container (2).

8. The tamper-evident leak-proof lid and container combination as claimed in claim 6, wherein the tamper-evident lid comprises at least one or more protruded segments (111) at the corners of the top surface of the



Figure 13

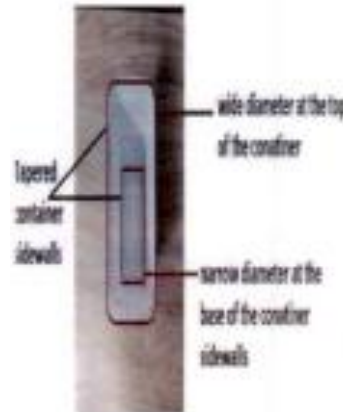


Figure 14

The specifications claimed in claim number 5 point number (iii) have already been marked in Fig. 1 to Fig. 12 of the defendant product.

8. The specifications claimed in claim 6 point number (a) (i) to (v) have already been marked in Fig. 1 to Fig. 12 of the defendant product.

9. Fig. 13 shows the picture of the defendant product showing the open top of the container (2) with the U-shaped channels running all throughout around the container.

10. Fig. 14 shows the picture of the defendant product of the picture of the product showing the side walls (13) of the said container are tapered as they project from the base (narrow diameter) to the top of the said



said lid (1) for orientation of the containers in a stacked position.



9. The tamper-evident leak-proof lid and container combination as claimed in claim 6, comprises axially oriented stacking ribs (555) on the inner side of the wall of the said container, and are distributed around the comers which can be engaged by at least one stacking rib of a container located beneath it, during stacking of multiple empty containers, thereby fixing the containers in place in a non-rotating fashion relative to each other.



Figure 15



Figure 16



Figure 17



Figure 18

container (wide diameter).

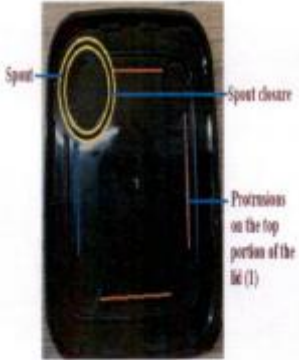

11. Fig. 15 and Fig. 16 shows the picture of the top surface of the lid (1) part of the defendant product containing the same protrusions (111) at the comers which provides support and orientation for stacking of the containers.

12. Fig. 17 and Fig. 18 shows the picture of the interior part of the container (2) of the defendant product having the same orientation of the stacking ribs (555) on the inner side as that in the Plaintiff product and explained in claim 9 of the subject patent.

13. There are in total four stacking ribs (555) visible on the inner side of the container (2) in the defendant product. [Fig. 18]



16.9. A comparative analysis of claims of Plaintiff's Suit Patent II and features of Impugned Goods of the Defendant are reproduced hereunder:

GRANTED CLAIMS PLAINTIFF (MOLD-TEK PACKAGING)	PICTURES OF THE DEFENDANT'S PRODUCTS	DEFENDANT (PRONTON PLASTIC PVT. LTD.)
<p>CLAIMS: 1. A tamper proof lid having leak proof and pilfer proof spout for containers comprising: a main lid body having spout means comprising a spout base held with respect to said main body and a spout closure adapted for releasable operation of said spout means; said lid body providing for a spout region adapted to secure said spout base and including a cylindrical downwardly and vertically extending wall defining a shrink fit area for leak proof press fit securing of the spout base with respect to a matching exterior profile of the spout</p>	 <p style="text-align: center;">Figure 1</p>  <p style="text-align: center;">Figure 2</p>	<p>Fig. 1 shows the top view of the lid (1) of the defendant product highlighting the following features of:</p> <ol style="list-style-type: none"> a. Spout b. Spout closure c. Protrusions on the top view of the lid <p>which matches with the features disclosed in claim 1 of the mentioned patent.</p> <p>Fig. 2 shows the inner view of the lid (1) of the defendant product highlighting the following features of:</p> <ol style="list-style-type: none"> a. Spout base b. a cylindrical downwardly and vertically extending wall defining a shrink fit area for leak proof press fit securing of the spout base with respect to a matching exterior profile of the spout base,



base and a tail ring area contiguous to said vertically downwardly extending wall adapted for further leak proof securing of the spout base with respect to the spout region in said main lid body; said spout closure having a downwardly protruding cylindrical portion with a closed top adapted to press fit against the cylindrical vertically upwardly protruding wall of the spout base and also adapted for a leak proof fit.

2. A tamper proof lid having leak proof and pilfer proof spout for containers as claimed in claim 1, wherein the lid body provides a circular spout region to secure the spout base, wherein the spout base comprises a vertically and upwardly extending cylindrical portion and an circular gripper and leak-proof member integrally formed and originating



Figure 3



Figure 4

c. Tail ring which matches with the features disclosed in claim 1 of the mentioned patent. Fig. 3 shows the image of the inner section of the lid (1) indicating the inverted U-shaped contour region fitted within the Spout region present on the main lid body which is very evidently disclosed in claim 2 of the patent. Moreover, in Fig. 3, the circular spout region to secure the spout base in the main lid body is shown fitted with the Spout base in the same way as explained in claim 2 of the patent. Fig. 4 shows the circular gripper section embedded within the integrally formed spout region of the lid (1) which is fitted with the vertically extending cylindrical wall defining the shrink fit area and the way the circular gripper is attached to the cylindrical area is disclosed in claim 2 of the patent. Fig. 5 shows the separate picture of the circular gripper section which is



from said base of said vertically and upwardly extending cylindrical portion which is adapted to provide for the desired leak proof securing of the said spout base with respect to the downwardly and vertically extending cylindrical wall defining a shrink fit area and said tail ring area contiguous to said vertically downwardly extending wall and required securing of the sprout base with respect to the sprout region in said main lid body; and wherein the spout closure having a downwardly protruding cylindrical portion with a closed top. Includes an inverted U type contour adapted to press fit against the cylindrical vertically upwardly protruding wall of the sprout base.

3. A tamper proof lid having leak proof and pilfer proof spout for containers as claimed in claim 2 wherein said



Figure 5



Figure 6

embedded and fitted within the cylindrical section as described in claim 2 of the patent.

Fig. 6 shows the separate picture of the inner section of the integrally fitted spout region from the top view of the lid (1) in the defendant product showing the M-shaped circular portion within the spout region adapted to juxtapose against the vertically cylindrical wall of the spout region and the description exactly matches with the disclosure of claim 3 of the patent.

Further, Fig. 6 shows the same circular gripper in the spout region in the defendant product which matches with the claim 3 disclosures.

Fig. 7 shows the shrink fit area which seems to be in the shape of inverted U-shaped when pushed against the spout base region.

Fig. 8 shows the full view of the inner side of the spout region when pushed towards the upper section connected with the free end of the



circular gripper and leakproof membrane integrally formed with respect to the spout base comprises of a substantially M shaped circular leak proof end member adapted to reach and corresponds to an internal profile of the lid member at said spout region whereby said M shaped portion and in particular an external free arm of said M shaped member of the spout base is adapted to juxtapose against a matching profile of the vertically extending cylindrical wall defining a shrink fit area of said spout region of the lid for a perfect leak-proof assembly and also impart stability to the lid with spout for its performing the spout opening and closing operation.

4. A tamper proof lid having leak proof and pilfer proof spout for containers as claimed in claim 3 wherein the spout



Figure 7

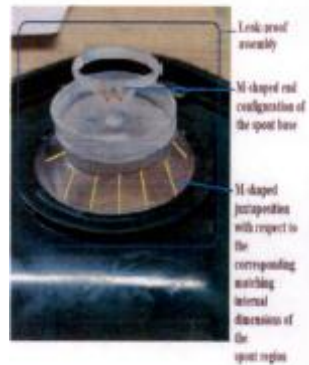


Figure 8

Mshaped region in the circular gripper of the leak proof spout assembly.

Fig. 9 shows the presence of vertically extending and downwardly protruding cylindrical member of the spout region which is configured in the same way in the defendant product as explained in claim 5 of the patent.

Fig. 10 shows the U-type contour formation of the spout closure while tightening of the spout closure in a way supporting the cylindrical downwardly protruding shrink fit area as disclosed in claim 5 and claim 6 of the said patent application.

Fig. 11 shows the presence of wings for the tightening and facilitating the pull up operation of the inner spout closure region in the defendant product which is exactly disclosed in claim 7 of the patent.

Fig. 12 shows the presence of the tail rings on the spout base in the defendant product for the



means comprises a pull-up sprout and said M shaped end configuration of the spout base and its juxtaposition with respect to the corresponding matching internal dimensions of the sprout region of the lid provide for a leak-proof assembly and also additional support for performing the pull-up operation.

5. A tamper proof lid having leak proof and pilfer proof spout for containers as claimed in anyone of claims 1 to 4 wherein the outer of said vertically extending cylindrical wall of the spout base and the inside of the vertically downwardly protruding cylindrical member of the spout closure are provided with matching threads to facilitate operatively releasable threaded connection there between the closure and the base of the spout means.



Figure 9

vertically extending and downwardly protruding cylindrical member of the spout closure (1)



Figure 10

I-type contour of the spout closure adapted while tightening of the spout closure

vertically downwardly protruding wall



Figure 11

Wings for tightening and in allowing the pull up operation of the inner spout closure region embedded in main body of the lid (1)



Figure 12

Tail rings adapted to be locked around the lower edge of the spout base

purpose of being folded around the lower edge of the spout base.



<p>6. A tamper proof lid having leak proof and pilfer proof spout for containers as claimed in claim 5 wherein the U type contour of the spout closure is adapted such that while tightening of the closure with the spout base the contours is adapted to guide the inner (mouth) of the pull-up spout and builds a pressurized wall surface around the inner mouth of the spout base and also prevents any slippage /override and in turn provide the desired leak-proof barrier through the spout base.</p> <p>7. A tamper proof lid having leak proof and pilfer proof spout for containers as claimed in anyone of claims 5 to 6 wherein said pull up spout closure is provided with wings for tightening and facilitating the pull-up operation.</p> <p>8. A tamper proof lid having leak proof and pilfer</p>		
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proof spout for containers as claimed in anyone of claims 1 to 7 wherein the tail rings are adapted to be folded whereby the same bends around the lower edge of the hanging arm of the M shaped member of the spout base to further achieve the leakproof securing of the spout base with respect to the lid.		
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- 16.10. The Defendant infringes all the claims of Suit Patent I and claim nos. 1 to 8 of Suit Patent II and produces a product which is identical to the products of the Plaintiff in every respect. The Impugned Goods are being manufactured by the Defendant using the process as disclosed in claim nos. 9 to 13 of Suit Patent II. Hence, the Defendant also infringes claim nos. 9 to 13 of Suit Patent II.
- 16.11. Comparison of the Impugned Goods is to be done based on granted claims of the Plaintiff and not from the Plaintiff's products. Reliance was placed upon the decisions in *Sotefm SA v. Indraprastha Cancer Society & Research Centre & Ors.*, Neutral Citation: 2022:DHC:595 and *Strix Ltd. v. Maharaja Appliances Ltd.*, Neutral Citation: 2023:DHC:7695 while making the above submission.



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16.12. Mr. Sunil Bajaj, erstwhile CEO of *M/s Vaidehi Plastic Packaging*, was a distributor of Plaintiff's products and is now CEO of the Defendant's company. The Plaintiff has filed the letter confirming that *M/s Vaidehi Plastic Packaging* as authorized agent / distributor on behalf of the Plaintiff for promoting exclusive rigid plastic injection moulding square pack food grade containers of 15 litre and 5 litre sizes and to market the Plaintiff's plastic rigid packing containers of square pack of 15 litres and 5 litres pails in selected states of India. The Plaintiff has also filed a Mutual Confidentiality Agreement between the Plaintiff and *M/s Vaidehi Plastic Packaging* executed 13.09.2017 and the letter dated 03.10.2017 issued by Mr. Sunil Bajaj on behalf of *M/s Vaidehi Plastic Packaging* to Plaintiff regarding the Mutual Confidentiality Agreement. It clearly indicates the *mala fide* attempt on part of the Defendant to unlawfully exploit the commercial success of Plaintiff's products and technical know-how thereof with a clear intention to unlawfully exploit Plaintiff's proprietary technology. Reliance was placed upon the decisions in ***FMI Limited v. Ashok Jain & Ors.***, 2006 SCC OnLine Del 1423 and ***Sona BLW Precision Forgings Limited & Anr. v. Sona Mandhira Pvt. Ltd. & Ors.***, 2023 SCC OnLine Del 1118 while making the above submission.



16.13. The Defendant has also copied the Plaintiff's designs, bearing Design Nos. 299039 and 299041 and has obtained registrations for such designs. The Plaintiff has filed petitions for



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cancellations of these designs of the Defendant before the learned Controller General of Patents Designs and Trade Marks which are currently pending. A pictorial comparison of the registered designs of the Plaintiff and that of the Defendant is reproduced hereunder:

IN 299039	
Plaintiff / Respondent's registered Designs	Counter-Claimant / Defendant's registered Desing
<p>Design Application No. 299039 Date of Application: 01/11/2017</p>  <p style="text-align: center;"><small>TOP-PERSPECTIVE VIEW (OTHER SIDE)</small></p> <p style="text-align: center;"><small>TOP-PERSPECTIVE VIEW</small></p> <p style="text-align: center;"><small>TOP VIEW</small></p>	<p>Design Application No. 318984-001 Date of Application: 22/06/2019</p> 



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IN 299041	
Plaintiff / Respondent's registered Designs	Counter-Claimant / Defendant's registered Desing
<p>Design Application No. 299041 Date of Application: 01/11/2017</p>  <p>PERSPECTIVE VIEW (OTHER SIDE)</p> <p>TOP VIEW</p> <p>BOTTOM VIEW</p>	<p>Design Application No. 318985-001 Date of Application: 22/06/2019</p> 

16.14. The Defendant was well aware about the Suit Patents I and II as well as commercial success of Plaintiff's products. Prior to launching the Impugned Goods in the market, the Defendant neither filed any pre-grant opposition nor any post-grant opposition under Section 25 of the Act before the Patent Office against the grant of the Suit Patents I and II. The Defendant never filed any proceedings seeking revocation of Suit Patents I and II under Section 64 of the Act prior to the Suit, or any



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proceeding under Section 105 of the Act seeking any declaration of non-infringement. It is settled law that the defendant's failure to "clear the way" by either challenging the patent at pre-grant or post-grant stage by filing opposition or by seeking a declaratory judgment of non-infringement before exploiting the patent, exposes the defendant to interlocutory injunction. Reliance was placed upon the decisions in *Merck Sharp and Dhome Corporation & Anr v. Glenmark Pharmaceuticals*, 2015 SCC Online Del 8227 and *Novartis AG and Ors. v. Natco Pharma Limited*, 2021 SCC OnLine Del 5340 while making the above submission.

- 16.15. In order to claim non-infringement *qua* Suit Patent I, the Defendant has done a comparison of the Impugned Goods with the products of the Plaintiff's, which is impermissible in law. As far as infringement of Suit Patent II is concerned, the Defendant simply claims it is using generic technology without identifying such generic technology, which is no defense to infringement. The expert of the Defendant has also done the same product to product comparison wherein it has highlighted the design and ocular imperfections in the Impugned Goods to claim that such products do not infringe the suit patents. It is settled law that infringement of a patent is ascertained by comparing the patent claims with the impugned product and not by a product-to-product comparison Reliance is placed upon the decisions in *F. Hoffmann-La Roche Ltd. and*



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Another v. Cipla Ltd., 2015 SCC OnLine Del 14738 while making the above submission.

16.16. Further, to avoid the consequences of infringement, the Defendant falsely claims that the tear band in the lid of Impugned Goods opens only on three sides of the container, unlike on all four sides as has been disclosed in Suit Patent I. Even if the argument of Defendant that the tear band in the Impugned Goods opens on three sides and the lid does not completely lift off is assumed to be true, even then the Impugned Goods would infringe Suit Patent I under the Doctrine of Pith and Substance since the essential features of Suit Patent I are infringed by the Impugned Goods. Any dissimilarity that the Defendant claims *vis-à-vis* Suit Patents I and II are merely trifling variations, that still render the Impugned Goods in substance equivalent to the Plaintiff's Suit Patents I and II. It has been held that all-element rule cannot be adopted in exclusion of pith and marrow rule. Thus, the Impugned Goods do not become non-infringing due to minor workshop improvements. Reliance was placed upon the following decisions while making the above submission:

- a. *Raj Parkash v. Mangat Ram Chowdhry and Ors.*, 1977 SCC OnLine Del 33
- b. *FMC Corporation and Others v. Natco Pharma Limited*, 2022 SCC Online Del 4249
- c. *SNPC Machines Private Limited & Ors. v. Mr. Vishal Choudhary*, 2024 SCC OnLine Del 33



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- 16.17. The expert report dated 23.01.2024 filed by the Defendant has been prepared by an Assistant Professor of Design, IIT, Guwahati. The said expert has compared ornamental features of the Impugned Goods *vis-à-vis* Plaintiff's product which is a completely incorrect manner of ascertaining infringement of a patent. Similarly, another expert report dated 19.01.2024 filed by the Defendant has been prepared by a Senior Engineer - Design / Quality Assurance / CM wherein there is no comparison of the granted claims of the Suit Patents I and II with the Impugned Goods. Both the said reports are silent on the claims of the Suit Patents I and II.
- 16.18. It is a settled law that a mere challenge to the patent is not sufficient to deny the relief of injunction to the patent holder in a suit for infringement at the interim stage, but a credible challenge of a higher degree is required to satisfy the Court for the court to deny such relief. Such a credible challenge is completely absent in the present case. Reliance was placed upon the following decisions while making the above submission:
- a. ***Moldtek Packaging Pvt. Ltd. v. Proton Plast Pvt. Ltd.***, 2025:5549:DHC-DB
 - b. ***F. Hoffman La Roche Ltd. v. Viola Ltd.***, 2008 SCC Online Del 382
 - c. ***Novartis AG and Ors.*** (*supra*)
 - d. ***FMC Corporation and Ors v. Best Crop Sciences LLP***, 2021 SCC OnLine Del 3647



- 16.19. In order to challenge validity of Suit Patent I, the Defendant has cited 18 prior arts. Out of these 18 prior arts, the first 8 prior arts on which the Defendant places utmost reliance, are mentioned in the Complete Specification of the Suit Patent I itself and the Patent Office granted the patent after considering the said prior arts. Further, the rest of the prior arts are not even relevant to the subject matter of Suit Patent I. Further, as far as Suit Patent II is concerned, the Defendant has cited 9 prior arts and none of which anticipates the teachings of the Suit Patent II or render it obvious.
- 16.20. The Plaintiff has registration for designs as well as patents however, the present Suit is filed for infringement of the granted patents. The Designs Act, 2000 and the Act covers distinct areas of Intellectual Property. The Defendant it is not able to appreciate the trite law that a patent is awarded for technical advancement (novelty and inventive step in technology) of a product / process while a design is awarded only for aesthetic aspects of the products (novelty in visible aspects of products), and that same can exist in one product. The Design Nos. 299039, 299040 and 299041 only include aesthetic features that are visible to the naked eye and not the tamper proofing features that are protected by Suit Patent I.

SUBMISSIONS ON BEHALF OF THE DEFENDANT

17. The learned Senior Counsel for the Defendant submitted that:
- 17.1. The Plaintiff has concealed the relevant fact that the Plaintiff filed another Patent Application No. 842/KOL/2009 (Patent



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No. 288127) on 09.06.2009 titled ‘A Container With Lid Locking Involving Pilfer Proof Arrangement’ (“**Prior Patent**”) wherein tear knob, tear band, spring back hinges, primary and secondary section are also mentioned and despite that the Prior Patent is not mentioned in the Suit Patent I. The Prior Patent relates to substantially the same invention.

- 17.2. The Plaintiff has also concealed the relevant fact that the Plaintiff filed another Patent Application No. 202041020733 on 16.05.2020 titled ‘Locking System For A Pail Or Container And Lid’ (“**Pending Patent**”) wherein the Plaintiff distinguish Suit Patent I and the aforesaid patent. The same is pending before the learned Controller.
- 17.3. The Plaintiff has not filed the copy of abandoned order passed in Application No. 139550140003015944 in Iran and also applications filed in UAE, Bahrain, Oman, Saudi Arabia, Qatar etc. The Plaintiff has mentioned that Suit Patent I relates to an improved pail or container, however, improvement over prior arts is not mentioned. According to the Plaintiff there are total 9 claims out of which claim nos. 1 and 6 are independent claims. There is no claim construction done by the Plaintiff. The learned Senior Counsel for the Defendant relied upon the decisions in *M/s Bishwanath Prasad Radhey Shyam v. Hindustan Metal Industries*, (1979) 2 SCC 511 and *Guala Closure SPA v. AGI Greenpac Limited*, 2024 SCC OnLine Del 3510 while making the above submission.



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- 17.4. The Plaintiff has suppressed the relevant fact that the Plaintiff filed Application No. 2175/MAS/1998 for Patent No. 207276 on 28.09.1998 titled ‘A Pull Up Spout With Tamper Proof Seal’ (“**Ceased Patent**”) and the same was ceased on 29.09.2008. The non-disclosure of earlier patent violates the provision of *inter alia* Section 3(d) of the Act. The learned Senior Counsel for the Defendant relied upon the following decisions while making the above submission:
- a. *F. Hoffmann-LA Roche Ltd. and Anr. v. Cipla Ltd.*, 2009 (110) DRJ 452 (DB)
 - b. *Freebit AS v. Exotic Mile Private Limited*, 2023 SCC OnLine Del 8213
 - c. *Freebit AS v. Exotic Mile Private Limited*, 2021 SCC OnLine Del 5361
- 17.5. The expert of the Plaintiff has compared the Impugned Goods with the product of the Plaintiff which is not allowed. The Plaintiff has given a ungranted patent product to the expert and the expert of the Plaintiff has compared the Impugned Goods with the different product of the Plaintiff which is not subject matter of the Suit Patent II. No claim mapping is done by the expert of the Plaintiff which is cardinal requirement for a suit of infringement of patent. There is no claim construction.
- 17.6. The Plaintiff differentiate prior art: US7475788 (“**D1**”) with the Suit Patent I on the ground that “*D1 fails to disclose the complete detachment of the upper portion of the container after removing the tear band as the closure of D1 remains attached*”



to the container even after the removal of the tear band and opening of the top by pivotal motion about said hinge”, however, filed an infringement suit knowing well that in the Impugned Goods also, the tear band opens only on three sides of the container, the lid does not detach from the container or the lower secondary portion of the locking section, the lid cannot be completely lifted from the container. Hence, it acts like a bin mechanism. Even, the Impugned Goods, filed by the Plaintiff, prove the same that the lid is not removed completely.

17.7. The independent claim no.1 of Suit Patent I is reproduced hereunder to show the difference between the Impugned Goods:

A tamper-evident lid comprising of	The Defendant is also making tamper-evident lid as the same is a part of prior art
A tamper-evident means having: a. One or more tear bands in outer wall of the said lid b. A tear path extending continuously around the said lid; and c. At least one starting knob contiguous to the said tear bands	The Defendant's product does have this feature as although the Defendant's product also has tear band. However, the tear band only extends to three sides of the lid as opposed to the patent which claims that the tear band is present around the lid which that it is present on all the four sides. Further, what the patent claims is that the tear path also extends continuously to all the four sides whereas the tear path in the Defendant's product extends only to three sides of the lid;



<p>Characterised in that said tear band present on the outer wall of the lid is peeled along with the said tear path to permit upper primary portion of the said lid to be completely lifted from the open top while the lower secondary portion of the said lid remains attached to a container through a secondary locking section providing a visual indication of lid from the container is being opened; and said secondary locking section consisting of secondary lock with protrusion</p>	<p>The Defendant's product does not have this feature as since the tear path extends only to three sides as opposed to being around as mentioned in the claim; The lid can only be lifted from the three sides where the tear path is present. Therefore, the upper portion of the lid cannot be completely lifted from the lower portion of the lid. It is further submitted that the Defendant's product is intended to be opened only from three sides. However, if a person intentionally breaks the fourth side and removes the lid and lifts the lid completely that would not amount to infringement</p>
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- 17.8. The fact that the Impugned Goods do not infringe the claims of the Suit Patent I, the Defendant is also invoking the Doctrine of Gillette Defence based on D1. D1 discloses a tamper-proof and tamper evident closure system wherein the upper portion of the lid opens from three sides, and the fourth side is fixed with the lower portion of the lid in a hinged manner. Further, it is not a pre-requisite that to invoke Gillette Defence, the Defendant must copy the prior art in its entirety. This argument of the Plaintiff is incorrect as the only requirement is that the Impugned Goods should be substantially based on the prior art.
- 17.9. The Plaintiff cannot invoke Doctrine of Equivalence or Pith and Marrow and equate that the use of tear band and tear path on three sides tantamount to the infringement of Suit Patent I



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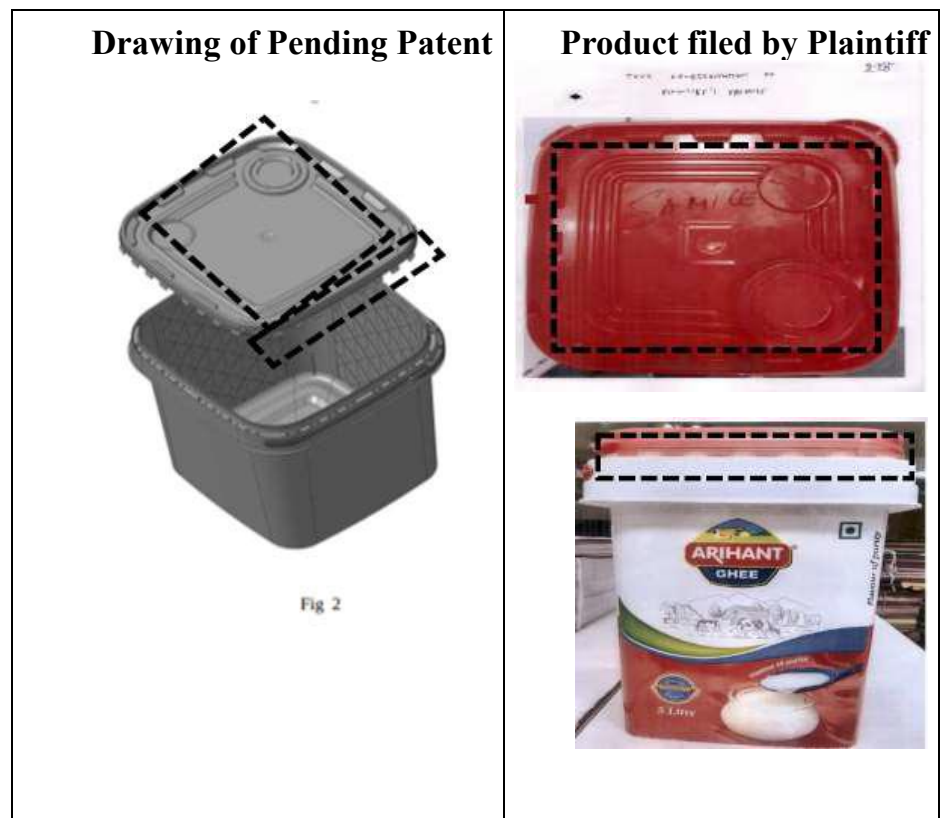
as any such argument would only lead to the conclusion that Suit Patent I is invalid in view of D1. This is because if the presence of tear band / tear path on three sides is equivalent to the presence of tear band / path on three sides than D1 would become a valid prior art to challenge the validity of Suit Patent I.

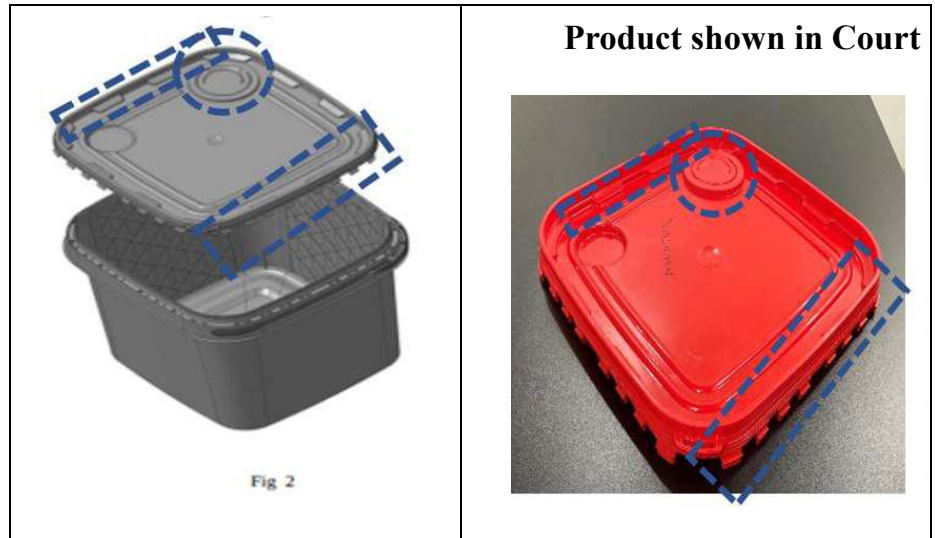
- 17.10. Suit Patent I is frivolous and does not involve technical improvement, rather, the language of the granted claims indicates inherent effect of the generic components employed in the industry. Suit Patent I is granted without any merit. Suit Patent I is not an invention and lacks novelty and as such is not patentable under Sections 2(1)(j), 2(1)(ja), 3 and 64 of the Act. Suit Patent II is a classic example of evergreening of patent. The Plaintiff filed the Ceased Patent and the same was ceased on 29.09.2008 and on 01.01.2009, the Suit Patent II was filed. The Suit Patent II is frivolous and is not novel and does not involve any inventive steps. The Suit Patent II is generic in nature and have abundance of prior art. The process for manufacturing of tamper-proof lid having leak proof spout for containers is well-known to the person skilled in the art, generic and are widely used in the field by different companies. The learned Senior Counsel for the Defendant relied upon the following decisions while making the above submission:



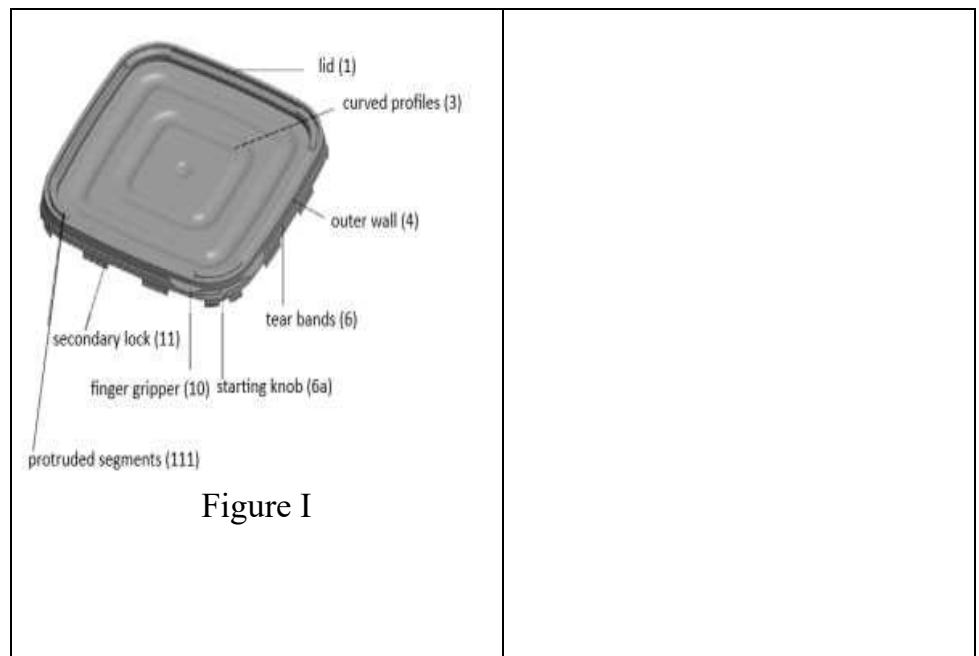
- a. *F. Hoffmann-LA Roche Ltd. and Anr. (supra)*
- b. *Boehringer Ingelheim Pharma GMBH & Co. KG. v. Vee Excel Drugs and Pharmaceuticals Pvt. Ltd. and Others*, 2023 SCC OnLine Del 1889
- c. *Bayer Healthcare LLC v. Natco Pharma Limited*, 2023 SCC OnLine Del 3921

17.11. The Plaintiff had shown a wrong lid to this Court during arguments which was different from the Suit Patent II. The lid shown during arguments and filed as documents to the Suit is different. Drawing of Suit Patent II and image of the product filed in document and shown by the Plaintiff is reproduced hereunder:





17.12. The lid which is defined in the drawing of Suit Patent I and image of product correspond to the drawing of Suit Patent I is reproduced hereunder:



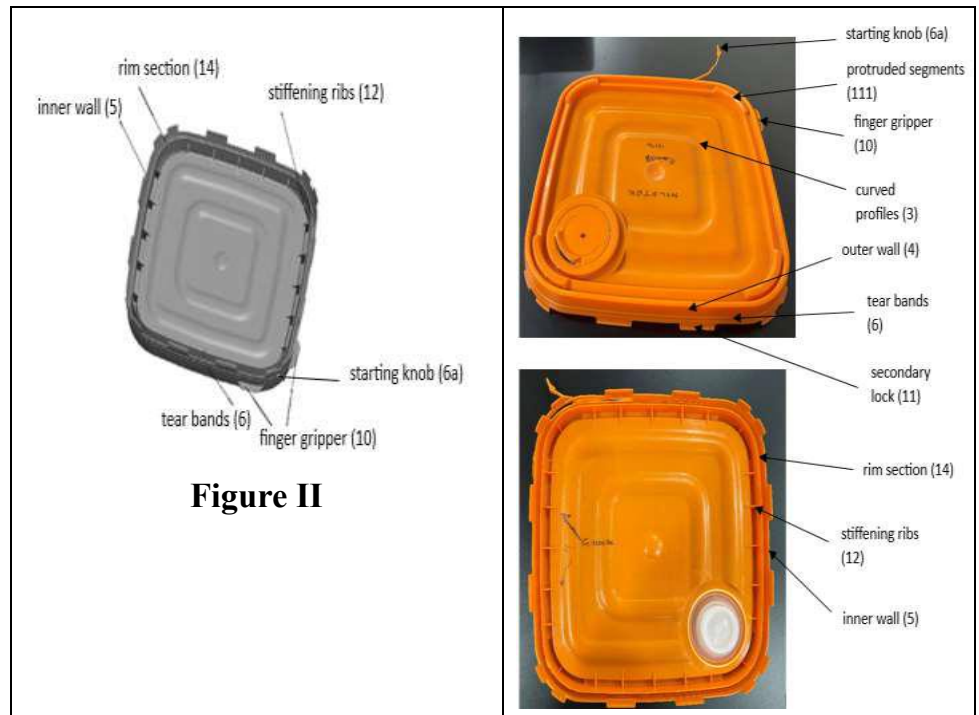


Figure II

17.13. The Plaintiff had during the course of the Rejoinder arguments tried to argue that the seal, which is disclosed in the Ceased Patent is fitted from outside and is made from a metal. It appears to be an afterthought which would become evident from the fact that the seal is made from a thermo plastic material as shown in claim no. 2. Further, nowhere in the Complete Specification is it mentioned that the tamper-proof sealing is fitted from outside. On the contrary, a perusal of the Complete Specification would show that the tamper-proof seal is connected from inside. The same would be evident from the steps which have been mentioned in the Complete Specification. Further, the Plaintiff has in its Replication responded to the argument of invalidity of its Suit Patents I and II and that what the Defendant is using is a part of prior art than



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the Plaintiff cannot now argue that the Defendant has not taken this plea in its Written Statement.

REJOINDER SUBMISSIONS ON BEHALF OF THE PLAINTIFF

18. The learned Counsel for the Plaintiff submitted that:

18.1 During the course of arguments, the Defendant has only invoked the Doctrine of Gillette Defence to argue non-infringement in respect of the Suit Patents I and II and the Defendant's Counsel has specifically said that he is not raising invalidity issue and accordingly, the 'credible challenge argument' was not raised. In the first round when the interim injunction application was argued before the learned Trial Court, the Defendant did not invoke the Doctrine of Gillette Defence. Instead, the Defendant raised the argument of credibility of challenge to the validity of the Suit Patents I and II before the learned Trial Court. The aforesaid is also clear from the order dated 02.05.2024 passed by the learned Trial Court. The said judgment has been subsequently set aside by the Division Bench of this Court, and the matter has been remanded back before the Court for fresh adjudication of the interim injunction issue. The learned Counsel for the Plaintiff placed reliance upon the decision in ***Dura-line India Pvt. Ltd. v. Jain Irrigation Systems Ltd.***, Neutral Citation: 2025:DHC:4036 and Rules 2(f) and 3(B) of the High Court of Delhi Rules Governing Patent Suits, 2022 while making the above submission.



18.2 The Impugned Goods are not covered under the prior art D1 and hence, the Doctrine of Gillette Defence argument of the Defendant fails. D1 does not show at least the following features which are present in the Impugned Goods:

- a. A lid having (i) a primary portion, (ii) a tear band and (iii) a secondary portion. Instead, D1 shows a container wherein the lid is attached with the container with a tear band and upon partial removal of tear band, the lid remains attached with the container through a hinge mechanism.
- b. In D1, there is no disclosure of the secondary portion in lid which is attached to primary portion through a tear band wherein the secondary portion is designed to be separated from the tear band and gets permanently attached to the container.
- c. There is no disclosure of secondary locking section in D1.

18.3 Contrary to settled law that in order to succeed on the Doctrine of Gillette Defence, the Defendant must rely upon a single prior art and show that the Impugned Goods are in accordance with the said prior art, the Defendant at the fag-end of their arguments, placed reliance on the Prior Patent, Plaintiff's Pending Patent in addition to prior art D1 to supplement the various aspects of its products. Such invocation of multiple documents itself evidences that the Impugned Goods do not fall under the description and disclosures made in D1.

18.4 Further, Suit Patent I is patently distinct from the claims sought to be protected under the Pending Patent. Referring to the



disclosure of Suit Patent I, the specific features “*said tear band (6) present on the outer wall (4) of the lid (1) when peeled along the said tear path to permit upper primary portion (7) of the said lid (1) to be completely lifted from the open top while the lower secondary portion (8) of the said lid (1) remains attached to a container (2) through a secondary locking section(8) providing a visual indication of lid (1) from the container (2) is being opened.*” are not disclosed in any portion of the Pending Patent. Further, the Pending Patent is directed to a specific locking mechanism between the lid and the container which is distinct from the locking mechanism provided as per teachings of Suit Patent I. Suit Patent I further provided a lid and container combination with tamper evident features which are not claimed in the Pending Patent.

18.5 The argument of the Defendant that the Impugned Goods do not have the inner wall, the outer wall and the inverted U-shaped peripheral channel are incorrect. The claimed features of Suit Patent I include the outer wall, the inner wall and the inverted U-shape peripheral channel in the Impugned Goods can be clearly identified from the expert report filed by the Defendant itself.

18.6 There is no pleading about the Doctrine of Gillette Defence i.e., that the Impugned Goods map to the Ceased Patent. The Defendant only referred to the drawing of the Ceased Patent and claimed that the Impugned Goods are covered under the Ceased Patent. The drawing can be used as a prior art only



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when it shows all the claimed structural features and how they are put together. The drawings of the Ceased Patent (or even the Complete Specification of the Ceased Patent) fail to disclose the novel and inventive features as claimed / specified under the claims of the Suit Patent II. For a drawing to enable disclosure, the drawing must show all the claimed structural features and how they are put together. Merely having similar terminologies would not render the drawings as enabling and the subsequent patent as obvious. The drawings of the Ceased Patent in no manner reveal the claimed structural features of the Suit Patent II and the manner in which the claimed elements of Suit Patent II are put together. The combination of lid and spout as seen in the Impugned Goods are structurally and technically different from the Ceased Patent.

- 18.7 There is no similarity between Suit Patent II and the Ceased Patent, and the Ceased Patent does not anticipate Suit Patent II. Suit Patent II provides a tamper proof lid having leak proof and pilfer proof spout for containers along with a process for the manufacture of tamper-proof lid having leak proof and pilfer proof spout for containers whereas, Suit Patent II discloses just a pull up spout with a tamper proof seals fixed to the lid / closure on the hole provided in the pail. The inventive step in Suit Patent II lies in the main lid body providing for a spout region adapted to secure spout base and including a cylindrical downwardly and vertically extending wall defining a shrink fit area for leak proof press fit securing of the spout base with



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respect to a matching exterior profile of the spout base and a tail ring area contiguous to said vertically downwardly extending wall adapted for further leak proof securing of the spout base with respect to the spout region in said main lid body. In Suit Patent II, the spout base comprises of a substantially ‘M-shaped’ circular leak proof end member adapted to reach and corresponds to an internal profile of the lid member at said spout region. The said ‘M-shaped’ portion and in particular an external free arm of said ‘M-shaped’ member of the spout base is adapted to juxtapose against a matching profile of the vertically extending cylindrical wall defining a shrink fit area of said spout region of the lid for a perfect leak-proof assembly. The Ceased Patent, on the other hand, provides a pull up spout with tamper proof seal fixed to the lid / closure on the hole provided in the pail, having a tamper proof seal having a tongue, mounted on a sealing ring which is adopted to hold and support a flexible extendable spout.

- 18.8 The Defendant has failed to raise any pleading as to how the Impugned Goods do not infringe the claims of the Suit Patents I and II. It is trite that parties are required to raise proper pleadings and establish those by adducing evidence. The Court cannot go beyond the pleadings of the parties. Reliance was placed upon the decision in *Arikala Narsa Reddy v. Venkata Ram Reddy Reddygari and Anr.*, 2014 SCC Online SC 100 while making the above submission.



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- 18.9 In the order dated 02.05.2024 passed by the learned Trial Court in the present Suit, it is clearly recorded that the Defendant argued product v. product comparison. In fact, when the Plaintiff filed an appeal against the order dated 02.05.2024, it was one of the main grounds of appeal that the learned Trial Court erred in accepting product v. product comparison argument presented by the Defendant. The Division Bench accepted this ground and reversed the said order *vide* judgment dated 11.07.2025.
- 18.10 The Defendant makes a misplaced argument that the Plaintiff has shown a wrong product to the Court and the product which is in market is not the Suit Patent I patent but the one shown in the Pending Patent. The Division Bench *vide* judgment dated 11.07.2025 has clearly set out that for determining the question of infringement of patent, the claims of the granted patent are to be compared with the accused product.
- 18.11 It is a well settled law that in order to address the issue of balance of convenience between parties, in patent infringement suits, one of the important factor courts take into account as to whether a defendant has attempted to clear the way or not before launching its product in the market. The obligation of clearing the way entails a defendant challenging validity of patents by way of revocation petition or post grant opposition before launching its product in the market. Though this obligation is based on the principle of constructive knowledge, adherence to obligation of clearing the way becomes more



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important in cases where there is evidence that defendant has some past connection with plaintiff or knowledge about Plaintiff's technology. Reliance was placed upon the decisions in *Eisai Co. Ltd. and Another v. Satish Reddy and Another*, 2019 SCC OnLine Del 8496 *Merck Sharp (supra)* while making the above submission.

18.12 The Defendant has not placed on record any document to establish that Mr. Sunil Bajaj joined Defendant only in 2023. The fact that the CEO of the Defendant's company was previously a distributor of the Plaintiff's product cannot be dismissed as a mere coincidence. It clearly indicates transfer of knowledge and the *mala fide* attempt on part of Defendant to unlawfully exploit the commercial success of Plaintiff's products and technical know-how thereof with a clear intention to unlawfully exploit Plaintiff's proprietary technology. This also gives rise to an increased obligation on the Defendant to have "cleared the way" before manufacturing and marketing the Impugned Goods infringing upon the Plaintiff's Suit Patents I and II.

18.13 The Defendant's subsequent registration of designs is identical to the Plaintiff's registered Designs Nos. 299039 and 299041, both dated 01.11.2017 on a much later date, i.e., 22.06.2019, is significant and shows contradictory stands of the Defendant.



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- 18.14 The Plaintiff preferred an appeal before the Division Bench of this Court challenging the findings in the order dated 20.08.2025 passed in suit filed against Neway, whereby the learned Trial Court declined interim injunction in relation to Suit Patent II. The said appeal was decided *vide* Neway Judgment by the Division Bench of this Court, wherein the finding regarding the invalidity of the Suit Patent II was quashed and remanded back for consideration afresh and the order dated 08.10.2024 granting interim injunction in favour of the Plaintiff was restored.
- 18.15 The learned Trial Court has shifted the burden of proving novelty upon the Plaintiff in the order dated 20.08.2025, which is contrary to settled law as laid down in ***Moldtek Packaging Pvt. Ltd. (supra)***. The onus to prove invalidity lies upon the Defendant, who must demonstrate a “credible challenge” to validity at the interlocutory stage.
- 18.16 The learned Trial Court erred in assuming any duty upon the Plaintiff to disclose the Ceased Patent. The burden to establish relevance of prior art lies exclusively on the Defendant under Sections 64 and 107 of the Act. The Defendant’s reference to alleged prior arts and prior use was accepted by the learned Trial Court without comparing the granted claims of the Suit Patent I with any prior art to conclude lack of novelty, inventive step, or prior use, as reflected in the order dated 20.08.2025.



ANALYSIS AND FINDINGS

VALIDITY:

SUIT PATENT I

19. The invention claims a leak-proof container having a tamper evident leak-proof container. The said tamper-evident container comprises of a tear band which is manually removed before opening the container to get access to the content therein. The field of the invention of the Suit Patent I which is reproduced from the Complete Specification is hereunder:

“FIELD OF THE INVENTION

This invention relates to a leak-proof pail or container, especially a tamper evident leak-proof pail or container. The said tamper-evident pail or container comprises of compatible closures and particularly an arrangement wherein the closure is provided with a tear band which is manually removed to facilitate opening the pail or container for access to the content therein.

The invention is also related to a pail-closure combination comprising features that enable vertical load-transfer during stacking.”

20. The object of the invention is to provide a container closure that can be readily applied by hand and can be removed with equal ease with the use of hand. Additionally, another object of the present invention is to provide a closure with a tamper-evident feature and a tear band. The object is reproduced hereunder:

“OBJECT OF THE INVENTION

It is therefore the object of the invention to provide a new and improved container closure that can be readily applied by the hand and can be removed with equal ease with the use of hand.

Another object of the invention is to provide a closure with a tamper-evident feature and a tear band.

Still another object of the invention is to provide a closure with a special locking feature for a container, particularly a pail.



Yet another object of the invention is to provide a closure in combination with a container, which facilitates stacking of filled containers one above the other with minimum risk factor.

Still another object of the invention is to provide a closure, where after the removal of the tear band, a piece of the closure remains intact with the container indicating the tampering of the container.

Future object of the invention is to provide a closure fitment to the container, where the load on the closure would be transferred through' the rim and onto the body of the container, thereby ensuring increased stacking load,

Yet another object of the invention is to provide a container with reinforcing ribs a' web which improves the strength-to-material and/or strength-to-weight ratios and also enhances the polymer flow during moulding with lower energy.”

21. The summary of the Suit Patent I states that the present invention claims container comprising of a tear band providing security from tampering and indicates when tampered with. The summary is reproduced hereunder:

“SUMMARY OF THE INVENTION

The present invention is a closure having multi-functionality that comprises features which are highly desirable, in combination with a container comprising a tear band that further provides security from tampering and indicating when tampered Such a closure and container combination is particularly useful for the shipment, storage and marketing of products such as pel. food, paints etc., which are not fully consumed in a single serving or distribution but may be dispensed over a period - days or weeks.

As is hereinafter described, the container and closure combination of the present invention provides a closure which is readily manually altered by the removal of the tear band for opening but provides for easy and secure closing and reopening after removal of-the tear band. Further features include a structure which enhances the stability by transferring the stacking loads through the closure structure to the sidewall of the container. A further feature of the present invention is the production of a container with substantial hoop strength and structural stability rendered by the plurality of reinforcing side wall structures.

A further feature of the invention is the provision of a means to facilitate easy lifting and tipping of the container for the purpose of



pouring contents therefrom during use. To provide a 100% fool-proof tamper-evidence to the pack, during the closure fitment, the lugs penetrate into spring-back hinges of the pail, to get locked. The said lugs once locked cannot be de-locked (hereof. As die said lugs get interlocked into tie pail's spring-back hinges, to open the closure, these lugs have to be separated- from the closure, by peeling off the strip all around the closure. After peeling off and removing the strip from die closure, a provision is made to lift the closure off from (he container to detach from the primary lock. The curved wavy profiles are precociously designed to minimize the warpage.”

22. Suit Patent I has two independent claims. The independent claims of the Suit Patent I are reproduced hereunder:

“Claims:

- 1. A tamper-evident lid comprising of; a tamper-evident means having i) one or more tear bands (6) in outer wall (4) of the said lid (1) between the primary section (7) and the secondary section (8) of the lid (1); ii) a tear path extending continuously around the said lid (1); and iii) at least one starting knob (6a) contiguous to the said tear bands (6); characterized in that, said tear band (6) present on the outer wall (4) of the lid (1) is peeled along the said tear path to permit upper primary portion (7) of the said lid (1) to be completely lifted from the open top while the lower secondary portion (8) of the said lid (1) remains attached to a container (2) through a secondary locking section(8) providing a visual indication of lid from the container (2) is being opened; and said secondary locking section(8) consisting of a secondary lock (11) with a protrusion.*
- 2. The tamper-evident lid as claimed in claim 1, wherein the tear path is defined by score lines or discrete frangible bridges or ribs extending across a gap between the tear band (6) and the remainder of the closure.*
- 3. The tamper-evident lid as claimed in claim 1, wherein the secondary lock (11) comprises lugs that penetrate into springback hinges (26) of the container (2).*
- 4. The tamper-evident lid as claimed in claim 1 wherein the lid (1) comprises at least one or more finger gripping portions (10).*
- 5. The tamper-evident lid as claimed in claim 1 includes a leakproof Means comprising of:*
 - i) an inverted U shaped peripheral channel defined by the outer wall (4) and the inner wall (5) of the said lid (1);*



ii) a rim section (14) on the inner side of the lid (1) beside the inner wall (5);”

23. To determine the novelty of the Suit Patent I, the Prior Patent and D1 were cited by the Defendant. The claim mapping of the Suit Patent I and the Prior Patent are hereunder:

CLAIMS	SUIT PATENT I	PRIOR PATENT
Claim 1	<p>A tamper-evident lid comprising of: a tamper-evident means having i) one or more tear bands (6) in outer wall (4) of the said lid (1) between the primary section (7) and the secondary section (8) of the lid (1); ii) a tear path extending continuously around the said lid (1); and iii) at least one starting knob (6a) contiguous to the said tear bands (6); characterized in that, said tear band (6) present on the outer wall (4) of the lid (1) is peeled along the said tear path to permit upper primary portion (7) of the said lid (1) to be completely lifted from the open top while the lower secondary portion (8) of the said lid (1) remains attached to a container (2) through a secondary locking section(8) providing a visual indication of lid (1) from the container (2) is being opened; and said secondary locking section(8) consisting of a secondary lock (11) with a protrusion (100).</p>	<p>A container with lid locking involving pilfer proof arrangement comprising: lid body portion comprising of two separable portions comprising an upper portion and a lower portion connected there between through a tamper evident peel off member characterized in that after assembling of the lid with respect to the container the removal of the peel off member is adapted to separate the said upper corporation from the lower portion indicating the first opening of the lid, wherein said upper portion of the lid having an internal lock region adapted to cooperate with a corresponding inter lock portion of the container body at the top to provide for a inner lock between the lid upper portion and the container body enabling the lid upper portion detachably capped on the container as a releasable and reusable lid and wherein said lower portion of the lid body having at least one extended segment having an external lock region adapted to cooperate with a corresponding externally protruding flaps disposed in the container body and adapted such that during capping the said extended segment of the</p>



		lid is pressed down through adjacent slotted regions formed in the container body in relation to the said flaps of the container body whereby finally the external lock region of the lid lower portion get arrested with respect to the flaps and the slots for a permanent securing of the lower portion with respect to the container body.
Claim 2	The tamper-evident lid as claimed in claim 1, wherein the tear path is defined by score lines or discrete frangible bridges or ribs extending across a gap between the tear band (6) and the remainder of the closure.	A container with lid locking involving pilfer proof arrangement as claimed in claim 1 comprising: a circular lid body portion comprising of two separable portions comprising an upper portion and a lower portion connected therebetween through a tamper proof peel off member such that after assembling of the circular lid with respect to the circular top of the container the removal of the peel off member separates the said upper portion from the lower portion indicating the first opening of the lid, said upper portion of the lid having a circular internal lock region adapted to cooperate with a corresponding circular inter lock portion of the container body at the top to provide for an inner lock therebetween the lid upper portion and the container body, the lower circular portion of the lid body having plurality of spaced apart extended segments each having an external lock region adapted to counteract with plurality of spaced apart corresponding externally protruding hinged flaps disposed in the container body and adapted such that during capping the said



		extended segments of the lid lower portion are pressed down through correspondingly disposed and equally spaced apart slotted regions formed in the container body in relation to the said flaps of the container body whereby finally the plurality of the external lock regions of the lid lower portion get arrested with respect to the corresponding flaps and the slots for a permanent securing of the lid lower portion once assembled with respect to the container body.
Claim 3	The tamper-evident lid as claimed in claim 1, wherein the secondary lock (11) comprises lugs that penetrate into spring-back hinges (26) of the container (2).	A container with lid locking involving pilfer proof arrangement as claimed in any one of claims 1 or 2 wherein a silicone gasket is provided internally inside the lid top region adjacent the container top such as to ensure the content packed are maintained in the container leak proof and free of contaminations from outside and also adapted as a semi shock absorber and stability in stacking while the containers are stacked one above other during transit and as well as in floor stacking condition.
Claim 4	The tamper-evident lid as claimed in claim 1 wherein the lid (1) comprises at least one or more finger gripping portions (10).	A container with lid locking involving pilfer proof arrangement as claimed in anyone of claims 1 to 3 wherein the number of the spaced apart extended segments of the lid lower region and the corresponding hinged flaps and slots in the container body is based on the container size and capacity preferably comprising 16 nos. or 8 nos. or 4 nos. with the numbers decreasing as per the decrease in



		the size and capacity of the container.
Claim 5	The tamper-evident lid as claimed in claim 1 includes a leak-proof means comprising of: i) an inverted U-shaped peripheral channel defined by the outer wall (4) and the inner wall (5) of the said lid (1); ii) a rim section (14) on the inner side of the lid (1) beside the inner wall (5); iii) a primary section (7) consisting of a primary lock (9) with a protrusion (99) towards the inverted U-shape peripheral channel that cooperates with radially outwardly extending lip (30) on open end of side wall (13) of the container (2) for detachable locking of the container (2) with the lid (1).	A container with lid locking involving pilfer proof arrangement as claimed in anyone of claims 1 to 4 wherein said slots in the container body comprise plurality of correspondingly spaced apart slots provided on an external circular flanged extension of the container body disposed just above the said hinged flaps.
Claim 6	A tamper-evident leak-proof lid and container combination for the transfer of load from the said lid to the said container comprising of: a) a tamper-evident lid (1) comprising having: i. one or more tear bands (6) in outer wall (4) of the said lid (1) between the primary section (7) and the secondary section (8) of the lid (1); ii. at least one starting knob (6a) contiguous to the said tear bands (6), whereby said tear band present on the outer wall (4) is peeled along the said tear path to permit upper primary portion (7) of the lid (1) to be completely lifted from open	A container with lid locking involving pilfer proof arrangement as claimed in anyone of claims 1 to 5 wherein said internal lock is adapted such that after the removal of the peel off tab, the detached upper lid portion can be press fitted with respect to the container top as a releasable lid for the container for subsequent uses.



	<p>top while the lower secondary portion (8) of the lid (1) remains attached to the container through a secondary locking section (8) providing a visual indication of lid (1) from the container (2) is being opened; iii. said secondary locking section (8) consisting of a secondary lock (11) with a protrusion (100); iv. an inverted U-shaped peripheral channel defined by the outer wall (4) and the inner wall (5) of the lid (1); v. a rim section (14) on the inner side of the lid (1) beside the inner wall (5), wherein the said rim section (14) comprises of one or more stiffening ribs (12) around the inner wall (5) of the said rim section (14); and vi. a primary lock (9) on a primary section (7) consisting of a protrusion (99) towards the inverted U-shape peripheral channel;</p> <p>b) said container (2) having:</p> <p>i. a side wall (13) with an open top forming a U-shaped channel; and ii. a base; wherein the side walls (13) of the said container (2) are tapered as they project wherein the side walls (13) of the said container (2) are tapered as they project. from the base to the top of the said container (2); and thereby enabling the rim section (14) of the said lid (1) snugly fit into the U channel of the said container (2).</p>	
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Claim 7	The tamper-evident leak-proof lid and container combination as claimed in claim 6, wherein the container (2) comprises a reinforcing web on one or more of the sidewalls (13) of the container (2), with the reinforcing web being formed by an uninterrupted repeating geometric pattern.	A container with lid locking involving pilfer proof arrangement as claimed in any one of claims 1 to 6 wherein both said internal lock and external locks comprise of corresponding mutually abutting inter-locking regions of the lid upper portion and the lid lower portion with respect to correspondingly disposed container body portions at the top and in the region of the extended segment of the lid lower portion respectively.
Claim 8	The tamper-evident leak-proof lid and container combination as claimed in claim 6, wherein the tamper-evident lid comprises at least one or more protruded segments (111) at the corners of the top surface of the said lid (1) for orientation of the containers in a stacked position.	A container with lid locking involving pilfer proof arrangement as claimed in anyone of claims 1 to 7 wherein the lid and the container body are obtained on polymeric material.
Claim 9	The tamper-evident leak-proof lid and container combination as claimed in claim 6, comprises axially oriented stacking ribs (555) on the inner side of the wall of the said container, and are distributed around the corners which can be engaged by at least one stacking rib of a container located beneath it, during stacking of multiple empty containers, thereby fixing the containers in place in a non-rotating fashion relative to each other.	



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24. The learned Counsel for the Plaintiff submitted that Suit Patent I has secondary locking mechanism in the lower secondary portion having lugs in the lid as well as the corresponding portion in the container having spring back hinges, which is not present in the Prior Patent, but it is available in the Impugned Goods. The learned Counsel for the Plaintiff further submitted that the inverted U-shaped peripheral channel defined by outer wall and inner wall of the lid are claimed by claim no. 5 of the Suit Patent I, which is not disclosed by the Prior Patent.

25. The independent claim no. 1 of the Suit Patent I, claims lid (1) which remains attached to a container (2) through a secondary locking section (8) providing a visual indication of lid (1) from the container (2) is being opened. The secondary locking section (8) consisting of a secondary lock (11) with a protrusion (100). On the other hand, the claim no. 1 of the Prior Patent claims a lid “... wherein said upper portion of the lid having an internal lock region adapted to cooperate with a corresponding inter lock portion of the container body at the top to provide for a inner lock between the lid upper portion and the container body...”.

26. The features of the claim no. 6 of the Suit Patent I are absent in the Prior Patent. Claim no. 6 of the Suit Patent I is an independent claim which claims a tamper-evident leak-proof lid and container combination for the transfer of load from the said lid to the said container which is comprising of a tamper-evident lid having one / more tear bands (6) in outer wall (4) of the said lid (1), and the said secondary locking section (8) consisting of a secondary lock (11) with a protrusion (100). The tamper-evident lid (1) also has an inverted U-shaped peripheral channel defined by the outer wall (4) and the inner wall (5) of the lid (1). It further contains a primary lock (9) on a



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primary section (7) consisting of a protrusion (99) towards the inverted U-shape peripheral channel. Further, claim no. 6 also claims the container (2) having a side wall (13) with an open top forming a U-shaped channel, and a base. This is absent in the Prior Patent.

PRIOR ART D1

27. The learned Counsel for the Plaintiff submitted that D1 discloses a plastic container as well as closure combination in which the tear band is removed between upper and lower locking structure from 3 sides while the lid remains attached from the fourth side through the hinge mechanism. It is pertinent to examine the Complete Specification of D1. The “*Detailed Description*” of the Complete Specification of D1 is reproduced hereunder:

“12. A second undercut 44 is formed at a distance below the first undercut 43 to cooperate with the flange, 32 in providing a second locking mechanism to help secure the closure 14 to the container 12. Between the two undercuts 43 and 44, a pair of spaced parallel tear paths 46 and 48 extend continuously but not fully around the periphery of the closure as shown in FIG. 1, said tear path terminating at oppositely similar C-shaped openings 52 and 54 between which is located a hinge area 56. Creases 58 are formed in the hinge area well below the plane of the lip 30 to assist in hinging the closure 14 relative to the container 12 slier the tear band 50 defined by the two spaced tear paths 46 and 48 is removed. The tear tabs 60 and 62 are ribbed or scored to enhance gripping. The tear paths 46 and 48 tire areas of reduced thickness or may be formed by perforations or the like in as will be apparent to persons skilled in the plastic container art.

Once the tear band 50 has been removed between the tear paths 46 and 48, the lower lock formed by the flange 32 in the undercut 44 is 110 longer in effect as a tamper-evident feature, i.e., only the upper lock made up of the cooperating features 30 and 43 remains fully in place. However, the lower lock continues to connect or tether the closure to the container. Because the plastic material from which the closure and container are made is somewhat pliable, the upper lock may be manually overcome to hinge and open the closure relative to the container body as shown in FIG. 5.”



28. Therefore, D1 discloses a plastic container and closure combination wherein the tear band is removed between upper and lower locking structure from 3 sides. The lid remains attached from the fourth side by using a hinge mechanism. This particularly differentiates the Prior Patent from D1.

29. The independent claim no. 1 of D1 also discloses the working of the hinge mechanism. The relevant paragraph of the Complete Specification of D1 is reproduced hereunder:

*“I. A molded plastic container and closure combination comprising:
a plastic container having a bottom and a side wall structure terminating in an open lop having an out-turned peripheral lip defining a plane;
at least one outwardly projecting flange integral with said side wall structure adjacent to and spaced below said lip;
a plastic closure having a deck portion approximating the shape and size of the open container top and an inverted U-shaped peripheral channel defined by parallel spaced inner and outer walls;
a first undercut in said outer wall to mate with said lip to aid in retaining such closure to said container;
a second undercut in said outer wall below the first under cut to mate with said projecting flange to further aid in retaining said closure to said container;
a peripheral flange formed around the bottom of said container wherein said peripheral flange is interrupted to define two opposite smoothly curved lifting surfaces joining the side wall structure to said bottom, said lifting surfaces being intermediate the attachment points of said bail, whereby the container may be lifted by said bail and tipped by one or the other of said smooth surfaces to pour from the said container when the closure is removed;
a pair of spaced, parallel tear paths in said outer wall between said first and second undercuts and extending continuously but not fully around said closure and terminating at peripherally spaced openings on said outer wall to define a hinge area;
said hinge area lying substantially below the plane of said peripheral lip;
said openings defining at least one starting tab contiguous to said tear paths whereby the plastic material of said outer wall between said paths may be manually torn away to permit the upper portion of said closure to be lifted from said open top by pivotal motion about said*



*hinge area while the lower portion of said closure remains attached to said container by way of the integral flange in said second undercut;
said lip and said first undercut permitting the upper portion of the closure to be re-secured to said open top by way of said lip and first undercut.”*

30. As discussed above, Suit Patent I contains a locking mechanism with locking teeth. D1 does not have any such mechanism. Therefore, Suit Patent I is novel with respect to D1.

INFRINGEMENT OF SUIT PATENT I:

PRIOR ART D1

31. The locking mechanism, including the locking teeth, is claimed in Suit Patent I and is present in the Impugned Goods, whereas it is absent in D1. In contrast to the Impugned Goods, D1's lid does not feature a primary portion, tear band, or secondary portion. Specifically, D1 discloses a container wherein the lid is attached to the container by means of a tear band; after the tear band is removed, the lid remains connected to the container via a hinge mechanism.

32. Furthermore, D1 does not disclose the existence of a secondary portion in the lid that is connected to the primary portion via the tear band. After separation from the tear band, the secondary portion becomes permanently affixed to the container.

33. The Defendant asserts that the Impugned Goods are equipped with a tear band, which nevertheless opens from only three sides. According to the Defendant, tampered evidence is defined by the presence of one or more tear bands on the outer wall of the lid, with a tear path extending continuously around the lid, and at least one starting knob contiguous to these tear bands.



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The tear band situated on the outer wall enables peeling along the tear path, allowing the upper primary portion of the lid to be fully removed from the open top while the lower secondary portion remains affixed to the container *via* a secondary locking section. This mechanism provides a visual indication that the lid has been opened, with the secondary locking section comprising a secondary lock featuring a protrusion.

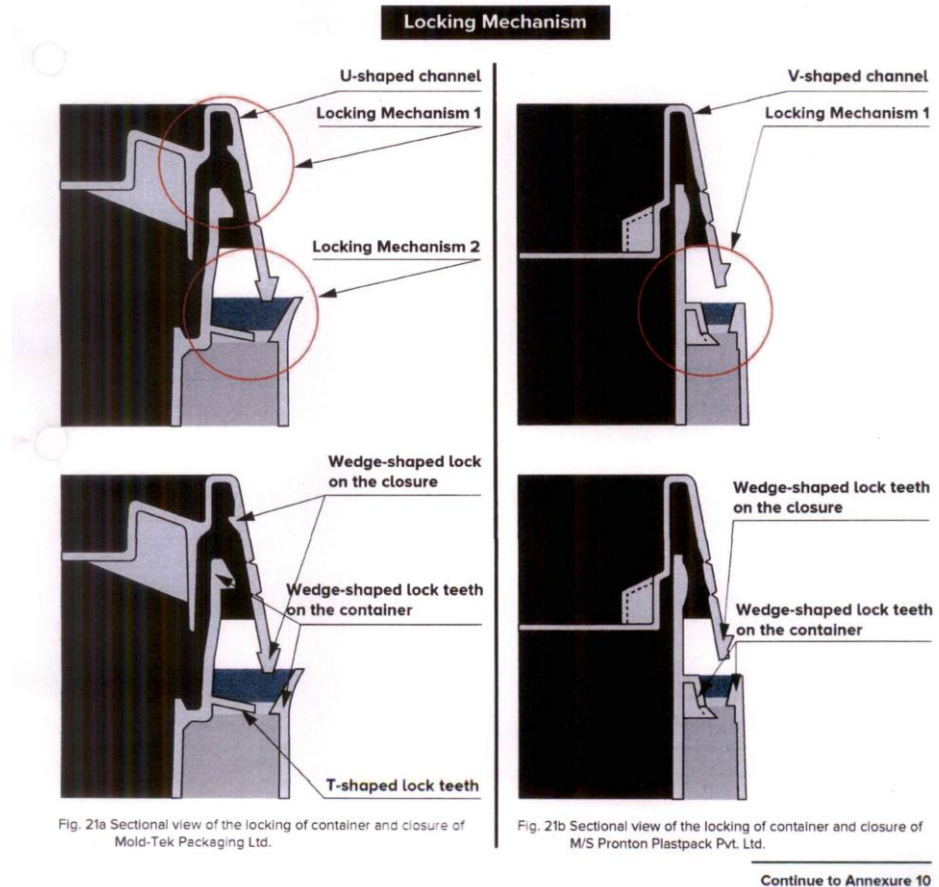
34. The learned Senior Counsel for the Defendant, referencing the Written Statement, argued that Suit Patent I contains a secondary locking section with a secondary lock featuring a protrusion. The Defendant contends that the Impugned Goods lack this feature, as the tear band only extends along three sides. Furthermore, the Defendant asserts that if an individual deliberately breaks the fourth side to remove and fully lift the lid, such an act does not constitute infringement.

35. The Defendant asserts that, during the hearings, the Plaintiff presented a lid before the Court that was not consistent with Suit Patent I. Additionally, the Defendant stated in the Written Statement that the lid demonstrated by the Plaintiff during the proceedings relates to the Plaintiff's Pending Patent.

36. To determine whether the Impugned Goods infringe upon the claims of Suit Patent I, it is necessary to conduct a mapping of the Suit Patent I's claims to the features of the Impugned Goods. The learned counsel for the Defendant asserted that the Impugned Goods lack the inner and outer walls as well as the U-shaped peripheral channel, however, the expert report provided by the Defendant itself indicates the presence of both inner and outer walls.



37. The relevant extract of the expert report of the Defendant is reproduced hereunder:



38. Accordingly, the Impugned Goods are *prima facie* found to infringe independent claim no. 1 of Suit Patent I. It should be noted that although the referenced diagram labels the channel as a ‘V-shaped channel’, its configuration closely resembles the ‘U-shaped channel’ described in Suit Patent I. Furthermore, the inner wall, outer wall, and operating mechanism of the Impugned Goods fall within the scope of claim no. 1 of Suit Patent I. Therefore, the Impugned Goods constitute an infringement of claim no. 1 of Suit Patent I.



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39. The expert report submitted by the Plaintiff was prepared by an Assistant Professor from the Department of Mechanical Engineering at Galgotia University. This report provides a comparative analysis between the Plaintiff's product and the Impugned Goods. However, the expert did not correlate the claims of Suit Patent I with the Impugned Goods. The Defendant has asserted that the product analyzed in the Plaintiff's expert report differs from the product covered under Suit Patent I.

40. The expert report submitted by the Defendant was prepared by an Assistant Professor of Design at IIT Guwahati. The report bases its analysis exclusively on comparisons between the design parameters of Suit Patent I and those of the Impugned Goods. The Plaintiff contends that, while the Defendant's expert is evidently qualified in the field of Design, as indicated by his designation, he does not possess recognized expertise in Patents.

41. Given the foregoing, the claims of the Patent in question should be compared with either the claims of the Impugned Goods (if patented) or the features of the Impugned Goods (if not patented). Consequently, in this matter, the claims of the Suit Patent I ought to have been mapped against the features of the Impugned Goods. Therefore, both expert reports are irrelevant.

VALIDITY OF THE SUIT PATENT II:

CLAIM CONSTRUCTION

42. The present invention relates to a tamper-proof main lid with pull-up spout for containers directed to providing leak proof packing as well as transporting of contents in a safe manner with requisite measures to take care of leakage and / or spillage. It is also to prevent the chances of adulteration. The "*Field of the Invention*" of the Ceased Patent given in the Complete Specification is reproduced hereunder:



*“The present invention relates to container lids and in particular to **tamper proof main lid with pull-up spout for containers** directed to providing leak proof packing and transporting of contents in a safe manner with requisite measures to **arrest leakage and/or spillage or chances of adulteration**. More particularly, the leak-proof lid for containers of the invention involving spout means is adapted to on one hand provide the benefits, of spout in the lid for user friendly and convenient handling of the contents and on the other hand, would ensure that the spout provision does not lead to any possible leakages or chances of unwanted contamination. Importantly, in the lid of the invention, **the spout assembly in 100% leak proof and obtainable involving simple tools which make is simple and cost-effective to obtain and use**. The tamper proof lid with pull-up spout means for containers would thus provide a leak proof, safe and secured sealing for storing/transporting and controlled dispensing of the material packed with guaranteed quality and quantity and thus have a wide and user friendly application as a container lid in variety of packaging applications such as containers containing paints, lubricants, oils and the like.”*

43. The background of the invention discusses the issues with the prior arts.

The “*Background Art*” is reproduced hereunder:

“BACKGROUND ART

It is well known in the field of packaging for storing/transporting various consumer items, including the liquid and/or powdered contents that the conventional means for sealing plastic containers/pails with lids involve locking mechanism to provide for a safe tamper proof locking of the container with the lid such as to avoid any unauthorized use / access into the container and its contents. While the containers with lid sealing arrangement for various products in the similar category are, known to be adapted to provide tampering and leak proof lid locking with respect to the container body yet lids with reliable leak proof spout assembly mounted on said lid was necessary for safe and easy dispensing avoiding spoilage/spillage of the contents, as and when required at the user end, ensuring safe storage/transportation of contents continue to be the need the art. Moreover, to ensure customer satisfaction and guaranteed purity ,/quality' and quantity of the packed contents, it is required to provide, for tamper proof as well as spillage/leakage free sealed container lid with spout means which would not only ensure a leak proof sealing there between the container and the lid but also



there between the lid and the spout means operatively connected to the lid. Thus, the presently available container lids, with spout means continue to suffer from some inherent limitations especially in ensuring a safe and leak-proof operative connection, there between the lid and the spout means connected thereto for easy and safe dispensing of contents. Such serious shortcomings in existing lid construction also affected maintaining desired quality and quantity of contents for better customer satisfaction and confidence and thus could not completely avoid the unwanted pilferage/spoilage/spillage related problem of lids with such spouts. There has thus been a persistent need for providing a tamper proof lid with spout assembly which would be leak proof and such that said spout assembly is capable on one hand for dispensing said contents as and when required in a safe user friendly manner free of any undesired gurgling effect while on the other hand maintain desired quality and functional attributes of contents free of any spillage/spoilage or unauthorized adulteration during storage/transit/use of the contents.”

44. The basic object of the invention is to provide a tamper-proof lid having a spout for containers that would ensure leak proof securing of the spout in the lid for the safe and secured storage and use of contents which is free of any leakage / spillage. The “*Objects of the Invention*” of the Ceased Patent given in the Complete Specification is reproduced hereunder:

“OBJECTS OF THE INVENTION

It is thus the basic object of the present invention to provide a tamper proof- lid with spout for containers which would ensure perfect leak proof securing of the spout in the lid for desired safe and secured storage/transit/use of contents free of any unwanted leakage/spillage through the spit means or its operative connection to the lid body.

A further object of the present invention is directed to providing a spout assembly for plastic moulded lids for plastic containers wherein a secured leak proof inter-locking is achieved between the spout base with respect to the main lid body.

A still further object of the present invention is directed to providing a for the moulded cap for containers which would on one hand favour the desired easy dispensing of the contents from inside the container avoiding undesired gurgling effect or spillage when the spout closure is removed from the spout assembly and on the other



hand will ensure that there is absolutely no leakage through the spout assembly when the spout is kept closed even in case of any inclined disposition of the container and its contents.

*A still further object of the present invention is directed to providing a **process for the manufacture of the moulded main cap for plastic containers** and the like with said spout assembly such that on one hand it would favour the desired easy dispensing of the contents from inside the container avoiding undesired gurgling effect or spillage when-the spout closure is removed from the spout assembly and on the other hand will ensure that there is absolutely no leakage through the spout assembly when the spout is kept closed even in case of any inclined disposition of the container and its contents.*

A still further object of the present invention is directed to providing a lid with spout assembly involving tamper proof and leak proof construction which would provide desired 100% sealing of the spout assembly to the main cap, ensuring safe storing/handling or dispensing for consumption.”

45. The “*Summary of the Invention*” is reproduced hereunder:

“SUMMARY OF THE INVENTION

It is thus the basic object of the present invention to provide a tamper proof lid having spout for containers and the like comprising:

a main lid body having spout means comprising a spout base held with respect to said main body and a spout closure adapted for releasable operation of said spout means;

*said lid body providing for a spout region' adapted to secure said spout base and including a **cylindrical downwardly and vertically extending wall defining a shrink fit area** for leak proof press fit securing of the spout-base with respect to a matching exterior profile of the spout base and a **tail ring area contiguous to said vertically downwardly extending wall adapted for further leak proof securing of the sprout base with respect to the spout region in said main lid body;***

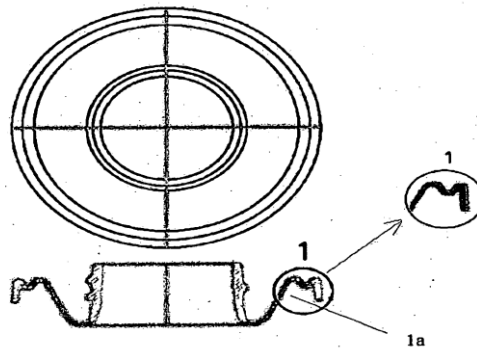
said spout closure having a downwardly protruding cylindrical portion with a closed top adapted to press fit against the cylindrical vertically upwardly protruding wall of the spout base and also adapted for a leak proof fit .

*** *** ***

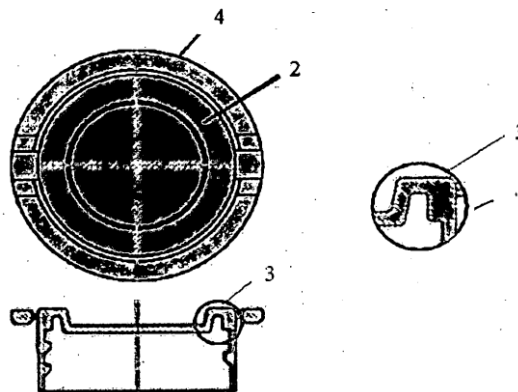


The present invention and its objects and advantages are described in greater detail with reference to the accompanying non limiting illustrative drawings.”

46. The “Detailed Description of the Invention”, given in the Complete Specification of the Ceased Patent, while discussing Figure No. 1, states that the ‘M’ shaped contour (1) that is provided on the outer most periphery of the pull-up spout base (1a) facilitate a perfect leak-proof seating of the said ‘M’ portion in the ‘shrink fit area’ of the lid / main cap (5) of the said container. Figure No. 1 is reproduced hereunder:

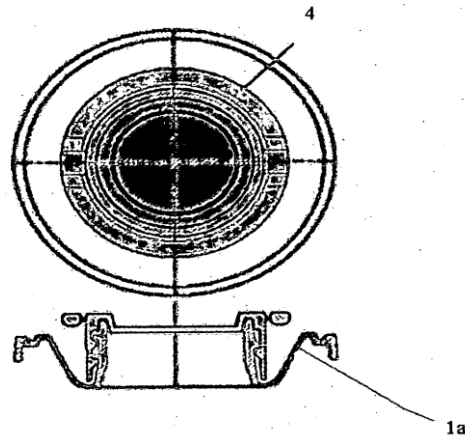


47. The Figure No. 2 illustrates the Spout Closure i.e., cap portion (2) of the pull-up spout assembly for the main lid (5) of container in which the inverted ‘U’ type contour (3) in spout closure (2) ensures perfect leak proof fit. Figure No. 2 is reproduced hereunder:

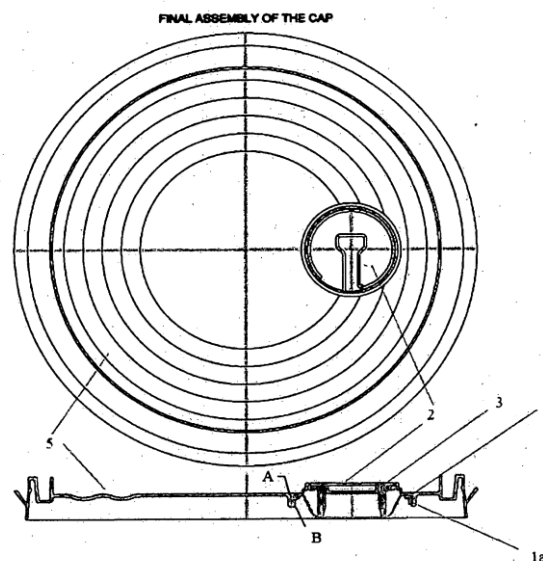




48. Figure No. 3 illustrates the assembly of the spout closure cap (2) with the pull-up spout base (1a) which is directed to provide leak proof joint of spout assembly with the main lid of container during storage. Figure No. 3 is reproduced hereunder:

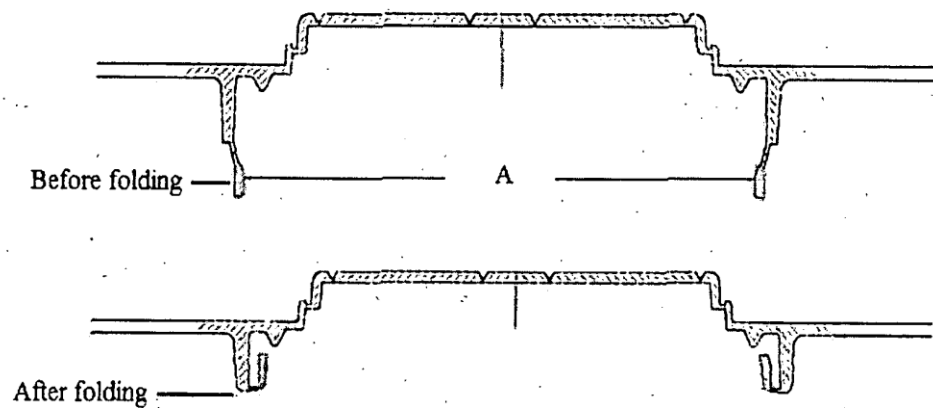


49. Further, Figure No. 5 of the Suit Patent II in the Complete Specification shows the 'M' shape portion assembled onto the shrink fit area by folding of tail ring area which is absent in the Ceased Patent. Figure No. 5 is reproduced hereunder:





50. Further, Figure No. 6 illustrates the enlarged view of the pull-up spout fixing area of main cap. The pull-up spout fixing area of main cap is showing positions of tail ring portion before and after the folding / spinning operation to show the manner of implementation of achieving the complete leak proof sealing of the spout assembly as claimed in the present the invention. Figure No. 6 which illustrates the manner of implementation of gradual folding of tail ring portion in successive stages using a specially contoured spinning tool, without showing the spout assembly in place for better clarity. Figure No. 6 is reproduced hereunder:



CLAIMS MAPPING

51. The independent claims of the Ceased Patent are reproduced hereunder:

“We claim:

1. A pull spout with tamper proof seals fixed to the lid/closure on the hole provided in the pail and the like comprising an upper tamper proof seal (8) having a tongue, mounted on a scaling ring (1) which in turn is adopted to hold and support a flexible extendable spout (2) with tails (3) fixed inside its lower portion, an inner membrane scale (6) on its upper portion and threads on its outer periphery for engaging the inner threads of double bail (lip type) cap (4).

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8. *A pull up spout with tanker proof seals fixed to die lid/closure on die hole provided in the pail and the like substantially as herein described and illustrated with reference to the accompanying drawings.”*

52. The mapping of the claims of Suit Patent II with the Ceased Patent is hereunder:


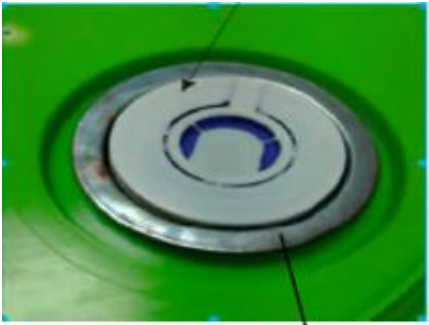


SUIT PATENT II	CEASED PATENT
<p>Claim 1. A tampered proof lid having leak proof and pilfer proof spout for containers comprising: a main lid body having spout means comprising a spout base held with respect to said main body and a spout closure adapted for releasable operation of said spout means; said lid body providing for a spout region adapted to secure said spout base and including a cylindrical downwardly and vertically extending wall defining a shrink fit area for leak proof press fit securing of the spout base with respect to a matching exterior profile of the spout base and a tail ring area contiguous to said vertically downwardly extending wall adapted for further leak proof securing of the sprout base with respect to the spout region in said main lid body; said spout closure having a downwardly protruding cylindrical portion with a closed top adapted to press fit against the cylindrical vertically upwardly protruding wall of the spout base and also adapted for a leak proof fit.</p>	<p>Claim 1. A pull up spout with tamper proof seals fixed to the lid/closure on the hole provided in the pail and the like comprising an upper tamper proof seal (8) having a tongue, mounted on a sealing ring (1) which in turn is adopted to hold and support a flexible extendable spout (2) with tails (3) fixed inside its lower portion, an inner membrane scale (6) on its upper portion and threads on its outer periphery for engaging the inner threads of double bail (lip type) cap (4).</p>



<p>Figure 6: is the schematic illustration of the enlarged view of the pull-up spout fixing area of main cap showing positions of tail ring portion- before and after the folding and spinning operation to show the manner of implementation of achieving the 100% leak proof sealing of the spout assembly of the invention.</p>	
<p>Claim 9. A process for the manufactured of tamper-proof lid having leak proof and pilfer proof spout for containers comprising: i) forming the main lid body in a mould; ii) ejecting the said lid body from the mould and immediately pushing the assembled pull-up spout into the shrink fit area of said lid by passing through said circular tail area; iii) subjecting the assembled cap to a spinning operation to thereby ensure the leak-proof sealing of the sprout base with respect to the lid body at the said spout region.</p>	No process disclosed

53. The table below provides a top view of the lid for both products. In the Suit Patent II, the tamper-evident seal is integrated into the lid, while in the Ceased Patent, the tamper-evident seal is incorporated with the spout. Additionally, Suit Patent II does not feature a sealing ring at the top of the lid, whereas the Ceased Patent uses a sealing ring to connect the spout to the lid. The lower section of the lid in Suit Patent II includes an internal ring, known as the tail ring area, which is crimped onto the spout from the lid. In contrast, the Ceased Patent does not have a tail ring area at its base.



SUIT PATENT II	CEASED PATENT
<p>i. Tamper evident seal is part of the lid</p>  <p>ii. No sealing ring on top part of lid</p>	<p>Tamper evident seal is part of spout</p>  <p>Sealing ring is used to attach the spout from the top portion of lid.</p>
 <p>iii. Bottom part of the lid has inbuilt ring (tail ring area) which is crimped onto spout from bottom of the Lid</p>	 <p>No tail ring area at bottom.</p>

54. Figure No. 6 of Suit Patent II, as discussed above, provides a schematic view of the enlarged pull-up spout fixing area on the main cap. This illustration demonstrates the position of the tail ring portion both before and after the folding and spinning operation, thereby detailing the process used to achieve the 100% leak-proof sealing of the invention's spout assembly. The tamper-proof lid, featuring a spout for containers and similar applications, allows the tail rings to be folded so they bend around the lower edge of the



hanging arm of the M-shaped member at the spout base, enhancing the leak-proof securing of the spout base to the lid.

55. In contrast, the Ceased Patent describes an improved pull-up spout with tamper-proof seals that lack an upper tamper-proof seal. Here, the hole sealing ring (1) is typically made from a specialized metal, which holds and supports a flexible, extendable spout (2) inside its lower portion. This spout includes eight or more tails (3), fixed internally; when extended, these tails act as an anti-gurgling mechanism facilitating smooth, directed pouring or dispensing of liquids from pails and similar containers.

56. The Defendant has referenced the drawings from the Ceased Patent in submissions regarding the invalidity of Suit Patent II. It is well-established that the claims of the patent under consideration must be compared either with those of the prior art (if patented) or with a relevant feature of the prior art product (if not patented). Since the drawings of the Ceased Patent do not depict all the features claimed in Suit Patent II, the Defendant's arguments concerning enabling disclosure are not accepted.

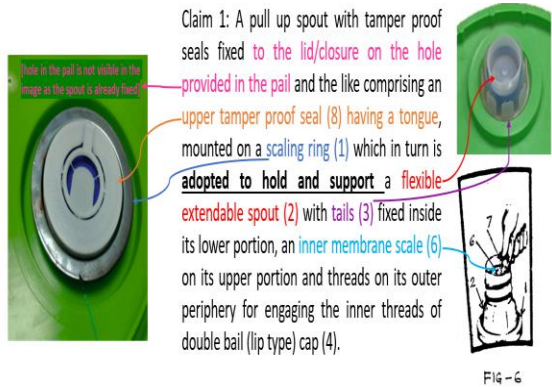






57. The Neway Judgment has addressed the identical issue of invalidity concerning Suit Patent II, remanding the matter for further consideration after setting aside observations related to its invalidity. Consequently, the Neway Judgment does not advantage either party, as it merely remanded the matter for reconsideration after setting aside the findings on the invalidity of Suit Patent, which have been independently assessed above.

INFRINGEMENT OF SUIT PATENT II:

GILLETTE DEFENSE RAISED BY THE DEFENDANT

58. The mapping of the claims of the Ceased Patent to the features of the Impugned Goods are hereunder:




CEASED PATENT	FEATURES OF THE IMPUGNED GOODS				
<p>Claim1. A pull up spout with tamper proof seals fixed to the lid/closure on the hole provided in the pail and the like comprising an upper tamper proof seal (8) having a tongue, mounted on a sealing ring (1) which in turn is adopted to hold and support a flexible extendable spout (2) with tails (3) fixed inside its lower portion, an inner membrane scale (6) on its upper portion and threads on its outer periphery for engaging the inner threads of double bail (lip type) cap (4).</p>	<p>The combination of lid and spout as seen in the Defendant’s product is structurally and technically different from the prior art patent IN’276. The features claimed in the prior art IN’276 are as shown and compared with the product of the defendant as follows:</p>  <p>Claim 1: A pull up spout with tamper proof seals fixed to the lid/closure on the hole provided in the pail and the like comprising an upper tamper proof seal (8) having a tongue, mounted on a sealing ring (1) which in turn is adopted to hold and support a flexible extendable spout (2) with tails (3) fixed inside its lower portion, an inner membrane scale (6) on its upper portion and threads on its outer periphery for engaging the inner threads of double bail (lip type) cap (4).</p> <p>FIG -6</p>				
	<table border="1"> <tr> <td data-bbox="786 1290 1098 1346">Extract from chart handed over by Defendant on 16/09/2025</td> <td data-bbox="1098 1290 1418 1379">Image of scaling/sealing ring as per IN’276 (from Plaintiff’s old product)</td> </tr> <tr> <td data-bbox="786 1346 1098 1686">  </td> <td data-bbox="1098 1379 1418 1686">  </td> </tr> </table>	Extract from chart handed over by Defendant on 16/09/2025	Image of scaling/sealing ring as per IN’276 (from Plaintiff’s old product)		
Extract from chart handed over by Defendant on 16/09/2025	Image of scaling/sealing ring as per IN’276 (from Plaintiff’s old product)				
					

59. In the Ceased Patent, the tamper-proof seal is described as a component distinct from the lid, whereas in the Impugned Goods, the lid does not incorporate an upper tamper-proof seal. As illustrated in the preceding images, the spout of the Impugned Goods is positioned within an area



analogous to the shrink-fit region identified in Suit Patent II and is affixed to the lid via tail rings situated on its underside. The circular element observed on the upper-outer periphery of the spout does not constitute a scaling or sealing ring, contrary to the Defendant’s assertion. The Ceased Patent specifies that the scaling or sealing ring is an independent component, fabricated from metal or thermoplastic materials, expressly designed to secure the spout to the lid. Consequently, the circular form on the spout's upper-outer periphery cannot be regarded as a scaling or sealing ring and is absent in the Impugned Goods. Accordingly, it is found that the Impugned Goods do not originate from the Ceased Patent.

CLAIMS MAPPING:

SUIT PATENT II	IMPUGNED GOODS
<p>Claim 1. A tampered proof lid having leak proof and pilfer proof spout for containers comprising: a main lid body having spout means comprising a spout base held with respect to said main body and a spout closure adapted for releasable operation of said spout means; said lid body providing for a spout region adapted to secure said spout base and including a cylindrical downwardly and vertically extending wall defining a shrink fit area for leak proof press fit securing of the spout base with respect to a matching exterior profile of the spout base and a tail ring area contiguous to said vertically downwardly extending wall adapted for further leak proof securing of the sprout base with respect to the spout region in said main lid body; said spout closure having a downwardly protruding cylindrical portion with a closed top adapted to press fit against the cylindrical vertically upwardly</p>	 <p>Picture 1. picture of the lid of defendant product showing the spout. (Extract from chart handed over by Defendant on 16/09/2025)</p>

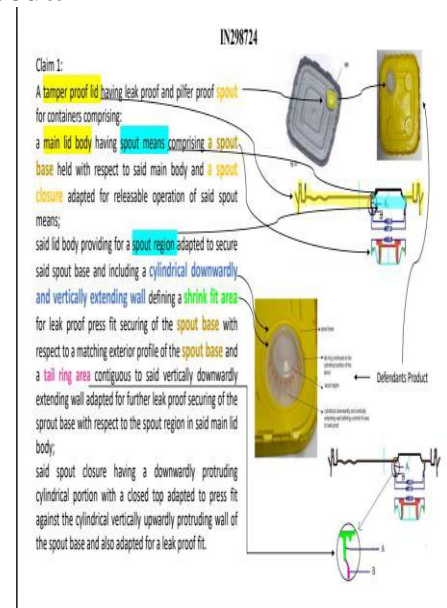


protruding wall of the spout base and also adapted for a leak proof fit.



inbuilt ring to be crimped over spout at bottom of the Lid

Picture 2. Picture of the lid of Plaintiff's product showing the spout.



Picture 3. showing the features claimed under Claim 1 of Suit Patent II

Figure 6: is the schematic illustration of the enlarged view of the pull-up spout fixing area of main cap showing positions of tail ring portion- before and after the folding and spinning operation to show the manner of implementation of achieving the 100% leak proof sealing of the spout assembly of the invention.

60. In light of the foregoing, the circular shape observed on the upper-outer periphery of the spout does not constitute a scaling or sealing ring. Accordingly, consistent with Suit Patent II, the circular portion visible on the



upper-outer periphery of the Impugned Goods results from the shrink fit area in the lower spout region. Accordingly, the Impugned Goods are *prima facie* found to be infringing Suit Patent II.

CONCLUSION

Suit Patent I

61. As discussed above, Suit Patent I contains a locking mechanism with locking teeth and D1 does not have any such mechanism. Hence, Suit Patent I is novel with respect to D1.

62. Suit Patent I features a secondary locking mechanism located in the lower secondary portion, comprising lugs on the lid and corresponding components in the container equipped with spring-back hinges, a characteristic absent from the Prior Patent. Conversely, this secondary locking mechanism is present in the Impugned Goods. Additionally, claim no. 5 of Suit Patent I specifies an inverted ‘U-shaped peripheral channel’ formed by the outer and inner walls of the lid, which is not disclosed in the Prior Patent.

63. The independent claim no. 1 of Suit Patent I claims lid (1) which remains attached to a container (2) through a secondary locking section (8) providing a visual indication of lid (1) from the container (2) is being opened. The features of claim no. 6 of Suit Patent I are absent in the Prior Patent. Claim no. 6 of Suit Patent I is an independent claim that specifies a tamper-evident leak-proof lid and a container combination for the transfer of load from the said lid to the said container. The said container is comprising of a tamper-evident lid having one / more tear bands in outer wall of the said lid, and the secondary locking section consists of a secondary lock with a protrusion. Claim no. 6 also claims the container having a side wall with an



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open top forming a U-shaped channel, and a base which is absent in the Prior Patent. Therefore, Suit Patent I is novel as compared to the Prior Patent.

64. The above discussed channel of the Impugned Goods is ‘V-shaped channel’, and the shape of the said channel is similar to the shape of the ‘U-shaped channel’ of Suit Patent I. The inner wall, outer wall, and the working mechanism of the Impugned Goods fall under the purview of the claim no. 1 of the Suit Patent I, and therefore, the Impugned Goods infringe claim no. 1 of the Suit Patent I.

Suit Patent II

65. As discussed above in Figure No. 6 of Suit Patent II illustrates the manner of implementation of achieving the 100% leak proof sealing of the spout assembly of the invention. The tamper proof lid having spout for containers and the like wherein the tail rings are adapted to be folded whereby the same bends around the lower edge of the hanging arm of the ‘M’ shaped member of the spout base to further achieve the leak-proof securing of the spout base with respect to the lid.

66. In contrast, the Ceased Patent details an enhanced pull-up spout incorporating tamper-proof seals, *albeit* lacking the upper tamper-proof seal. Established legal standards dictate that patent claims subject to review must be assessed against prior art, including both patented inventions and characteristics of non-patented products. Consequently, the Defendant’s reliance on the Ceased Patent drawings to support arguments for the invalidity of Suit Patent II is unsustainable. Additionally, it is noted that the drawings related to the Ceased Patent fail to encompass all features claimed within Suit Patent II, rendering the Defendant’s submissions regarding enabling



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disclosure inadmissible. Accordingly, Suit Patent II is valid and novel in relation to the Ceased Patent.

67. The circular feature located on the upper-outer periphery of the spout does not serve as a scaling or sealing ring. In accordance with Suit Patent II, this element observed on the upper-outer periphery of the Impugned Goods originates from the shrink fit area in the lower region of the spout. The Defendant's Gillette Defense was not successful. As a result, the Impugned Goods are within the scope of the claims under Suit Patent II and, accordingly, are *prima facie* considered to be infringing Suit Patent II.

68. The Plaintiff has made out a *prima facie* case for grant of an interim injunction against the Defendant. Balance of convenience is in favour of the Plaintiff and against the Defendant. Irreparable injury would be caused to the Plaintiff if an interim injunction during the pendency of the Suit is not granted.

69. In view of the above, the Plaintiff is entitled to the relief of interim injunction. Accordingly, the Defendant, its directors, assignee in business, associates, affiliates, franchisees, licensees, distributors, dealers, stockists, retailers and agents are restrained from manufacturing, selling, offering for sale, advertising, directly or indirectly dealing in plastic container, pails, drums, lids etc., including the range of products which infringes the Suit Patent I, Indian Patent No. 401417 under Patent Application No. 4705/CHE/2014 titled 'Tamper-Evident Leak Proof Pail Closure Systems' and Suit Patent II, Indian Patent No. 298724 under Patent Application No. 20/KOL/2009 titled 'A Tamper Proof Lid Having Spout for Containers And Process for its Manufacture' that may be visually, structurally and deceptively similar to the Suit Patents I and II so as to cause infringement of the Suit Patents.



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70. Accordingly, both I.A. 43917/2024 filed by the Plaintiff under Order XXXIX Rules 1 and 2 read with Section 151 of CPC and I.A. 43923/2024 filed on behalf of the Defendant under Order XXXIX Rule 4 of CPC stand disposed of in the aforesaid terms.

TEJAS KARIA, J

APRIL 30, 2026

'KC' / 'N'