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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 757/2024 with I.A. 38324-38329/2024, I.A. 41945/2024**
INCYTE HOLDINGS CORPORATION & ORS.Plaintiffs
Through: Mr. Hemant Singh, Ms. Mamta Rani
Jha, Mr. Siddhant Sharma, Mr. Abhay
Tandon, Advocates.
versus

GLENMARK PHARMACEUTICALS LIMITED
& ORS.Defendants
Through: Mr. Tahir A. J., Advocate

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

% **ORDER**
04.11.2024

CS(COMM) 757/2024

1. Compliance affidavits have been filed on behalf of defendants no.1 and 2, wherein it is stated that the defendants no.1 and 2 are only conducting activities permitted under Sections 47 and 107A of the Patents Act, 1970.
2. In the application filed on behalf of the defendant no. 3 under Order I Rule 10 of the Code of Civil Procedure, 1908 ['CPC'] (I.A. 41945/2024), it is stated that defendant no.3 is only the holding company of defendant no.2 and is not in the business of manufacturing and selling of pharmaceuticals.
3. Mr Tahir, Advocate appearing on behalf of all the defendants submits that defendant no.3 has no intention to infringe the suit patent.
4. The statements on behalf of the defendants are taken on record.
5. In view thereof, Mr Tahir submits that defendants would have no objection if a decree is passed in favour of the plaintiff in terms of the prayer



Clause 62 (a) of the suit subject to the exemptions under Section 107A of the Patents Act, 1970.

6. Accordingly, a decree of injunction is passed in favour of the plaintiff in terms of prayer clause 62(a) of the plaint suit subject to the exemptions under Section 107A of the Patents Act, 1970.

7. Let the decree sheet be drawn up.

8. All the pending applications shall stand disposed of.

9. Since the matter has been settled at the initial stage, the Registry is directed to issue a certificate of refund of 100% of the Court Fees in favour of the plaintiff, in terms of Section 16 of the Court Fees Act, 1870.

AMIT BANSAL, J

NOVEMBER 4, 2024

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