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

+ **CS(COMM) 1030/2024 & I.A. 45562-45563/2024**

INCYTE HOLDINGS CORPORATION & ORS.Plaintiffs

Through: Mr. Siddhant Sharma, Mr. Abhay
Tandon, Mr. Rishabh Paliwal,
Advocates.

versus

GRANULES INDIA LIMITEDDefendant

Through: Mr. Afzal B. Khan, Ms. Suhrita
Majumdar and Ms. Amrita Majumdar,
Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

04.02.2025

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1. Pursuant to the order passed by this Court on 20th November, 2024, an affidavit of compliance has been filed on behalf of the defendant.

2. In the aforesaid affidavit the defendant has stated as follows:

4. At the outset, it is reiterated that the Defendant has not commercially launched any product with the compound 'RUXOLITINIB' in or from India and as on date and has no intention to do so during the subsistence or validity of the Suit Patent.

xxx

7. I reiterate that the Defendant's activities, including the activity impugned in the said suit, are within the confines of activities permitted under Section 107 A of the Patents Act, 1970.

8. I state that the Defendant has only obtained licenses and undertaken any activity, including manufacture, solely for the purposes, reasonably related to the development and submission of information required under the applicable law in India as well as other countries.

9. I state and submit that the Defendant did not and has not



authorized the listing on www.pharmacompass.com that is referred to and identified as giving a cause of action in the present Suit. I further state and submit that in any event, the said listing relates to preparation of a DMF i.e., Drug Master File for purposes of securing licenses and regulatory approvals all of which fall wholly within the scope of Section 107A related activity.

10. I further state that listing of Ruxolitinib Phosphate as one of the products in its 'High Potent Products Catalog' was posted inadvertently and has since, been removed from the same.

3. The defendant shall remain bound by the averments made in the said affidavit. It is further directed that the defendant shall write to the website '<https://www.pharmacompass.com>' so as to take down the listing of "Ruxolitinib Phosphate" from the said website.
4. In view of the above, the suit is decreed in favour of the plaintiffs and against the defendant in terms of prayer clause 60(a) of the plaint.
5. Counsel for the plaintiffs does not press for the remaining reliefs prayed for in the plaint.
6. Decree sheet be drawn up.
7. In view of the fact that the parties have arrived at a settlement at an 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, as applicable to Delhi.
8. All pending applications stand disposed of.

AMIT BANSAL, J

FEBRUARY 4, 2025

VLD