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

+ CS(COMM) 467/2025 with I.A. 12147/2025, I.A. 12148/2025, I.A. 12149/2025, I.A. 12150/2025, I.A. 12151/2025, I.A. 12152/2025, I.A. 12153/2025 & I.A. 12154/2025

INCYTE HOLDINGS CORPORATION & ORS. Plaintiffs

Through: Mr. Hemant Singh, Ms. Mamta Jha,
Mr. Siddhant Sharma and Mr. Abhay
Tandon, Advocates.

versus

LEE PHARMA LIMITED Defendant

Through: Mr. Sushant Singh and Mr. Sourav
Pattanaik, Advocates.
Mr. Venkata Reddy A., Managing
Director of Defendant in person.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER
14.05.2025

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I.A. 12150/2025 (u/s 12A of the Commercial Courts Act, 2015)

1. As the present suit contemplates urgent interim relief, in light of the judgment of the Supreme Court in ***Yamini Manohar v. T.K.D. Krithi***, 2023 SCC Online SC 1382, exemption from the requirement of pre-institution mediation is granted.

2. The application stands disposed of.

I.A. 12151/2025 (u/O-XI Rule 1(4) of the CPC)

3. The present application has been filed on behalf of the plaintiffs seeking leave to file additional documents under the Commercial Courts

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Act, 2015.

4. The plaintiffs are permitted to file additional documents in accordance with the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018 within thirty (30) days.

5. Accordingly, the application is disposed of.

I.A. 12152/2025 (seeking exemption from filing the pleadings and vakalatnamas with the seal of the plaintiffs)

6. For the reasons stated in the present application, the plaintiffs are exempted from filing the pleadings and vakalatnamas in the present suit with the seal of the plaintiffs at this stage.

7. The application stands disposed of.

I.A. 12153/2025 (seeking leave to file electronic records in a compact disk)

8. For the reasons stated in the present application, the plaintiffs are permitted to place on record a compact disc/ pen drive containing videos indicating the launch of Ruxotop (generic Ruxolitinib cream) by Marcyrl Pharmaceutical Industries.

9. The application stands disposed of.

I.A. 12154/2025 (seeking exemption from filing clear/ true typed/ certified copies of documents, etc.)

10. Allowed, subject to the plaintiffs filling clear/ true typed/ certified copies of documents and documents with proper margin within four (4) weeks from today.

11. The application stands disposed of.

CS(COMM) 467/2025

12. Let the plaint be registered as a suit.

13. Issue summons.

14. Mr. Sushant Singh, Advocate accepts summons on behalf of the

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defendant and waives issuance of formal summons.

15. Written statement to the plaint shall be filed by the defendant within thirty (30) days from today. Along with the written statement, the defendant shall also file affidavit of admission/ denial of the documents of the plaintiffs, without which the written statement shall not be taken on record.

16. Liberty is given to the plaintiffs to file replication, if any, within thirty (30) days from the receipt of the written statement. Along with the replication filed by the plaintiffs, affidavit of admission/ denial of the documents of the defendant be filed by the plaintiffs.

17. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case the parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

18. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

19. List on 29th May, 2025.

I.A. 12147/2025 (u/O-XXXIX Rules 1 and 2 of the CPC)

20. This application has been filed on behalf of the plaintiffs under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 seeking an interim injunction restraining the defendant from infringing the suit patent bearing no. 269841 of the plaintiff no.1.

21. At the outset, Mr. Sushant Singh, Advocate appearing on behalf of the defendant, on instructions from Mr. Venkata Reddy A., Managing Director of the defendant, submits that the defendant has not commercially launched any product/ formulation containing Ruxolitinib alone or in combination

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with any other compound or formulation. The defendant is using the aforesaid compound for research and development purposes alone. He further submits that the defendant does not intend to launch any such product/ formulation in India or export the same till the expiry of the suit patent.

22. The aforesaid statement of counsel appearing on behalf of the defendant is taken on record and the defendant shall be bound by the same.

23. In the meanwhile, an affidavit shall be filed on behalf of the defendant stating the details of the persons to whom the defendant has supplied the impugned products along with supporting documents including purchase orders/ invoices in respect of the sales of the impugned products made by it.

24. The defendant is permitted to redact the amount mentioned in the aforesaid purchase orders/ invoices.

25. Let the affidavit be filed within ten (10) days with an advance copy to counsel for the plaintiffs.

26. Issue Notice,

27. Notice is accepted on behalf of counsel for the defendant.

28. Reply be filed within four (4) weeks.

29. Rejoinder thereto, if any, be filed within two (2) thereafter.

30. List on 29th May, 2025.

I.A. 12148/2025 (u/O-XXXIX Rule 9 of the CPC)

31. In view of the order passed above, counsel for the plaintiffs does not wish to press the present application.

32. Accordingly, the application is dismissed as not pressed.

AMIT BANSAL, J

MAY 14, 2025/Vivek/-

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