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

\+ CS(COMM) 780/2026

INCYTE HOLDINGS CORPORATION & ORS. .....Plaintiffs

Through: Mr. Hemant Singh, Ms. Mamta Jha, Mr. Abhay Tandon, Mr. Ritik Gawali and Ms. Kriti Chulet, Advocates.

versus

AURORE LIFE SCIENCES PVT LTD .....Defendant

Through:

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

O R D E R

% 27.07.2026

I.As. 19401/2026 and 19404/2026 *(Exemptions)*

1. Allowed, subject to all just exceptions.

2. Applications stand disposed of.

I.A. 19399/2026 *(u/S 151 CPC)*

3. This application is filed on behalf of the Plaintiffs seeking exemption from effecting advance service on the Defendant.

4. For the reasons stated in the application, the same is allowed exempting the Plaintiffs from effecting advance service on the Defendant.

5. Application stands disposed of.

I.A. 19400/2026 *(for pre-institution mediation)*

6. This application is filed on behalf of the Plaintiffs under Section 151 CPC read with Section 12A of the Commercial Courts Act, 2015 seeking exemption from Pre-Institution Mediation.

7. Having regard to the facts of the present case wherein urgent relief is prayed for and in light of the judgment of Supreme Court in ***Yamini***

Manohar v. T.K.D. Keerthi, (2024) 5 SCC 815*,* as also Division Bench of this Court in ***Chandra Kishore Chaurasia v. RA Perfumery Works Private Ltd., 2022 SCC OnLine Del 3529***, exemption is granted to the Plaintiffs from Pre-Institution Mediation.

8. Application is allowed and disposed of.

I.A. 19402/2026 *(u/O XI Rules 2 and 5 r/w Section 151 CPC)*

9. This application is filed on behalf of the Plaintiffs seeking discovery by interrogatories and production of documents.

10. Issue notice to the Defendant through all permissible modes, returnable before Joint Registrar on 18.08.2026.

I.A. 19403/2026 *(u/O XI Rule 1 (4) r/w Section 151 CPC)*

11. This application is filed on behalf of the Plaintiffs seeking to place on record additional documents within 30 days.

12. Plaintiffs, if they wish to file additional documents at a later stage, shall do so strictly in accordance with provisions of the Commercial Courts Act, 2015.

13. Application is allowed and disposed of.

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14. Let plaint be registered as a suit.

15. Issue summons to the Defendant through all permissible modes, returnable before the learned Joint Registrar on 18.08.2026.

16. Summons shall state that the written statement shall be filed by the Defendant within 30 days from the date of receipt of summons along with affidavit of admission/denial of the documents filed by the Plaintiffs.

17. It will be open to the Plaintiffs to file replication within 30 days from receipt of the written statement along with affidavit of admission/denial of documents filed by the Defendant.

18. If any of the parties wish to seek inspection of any documents, the same be sought and given within the timeline prescribed in Delhi High Court (Original Side) Rules, 2018.

19. Learned Joint Registrar shall carry out admission/denial of documents and marking of exhibits.

I.A. 19397/2026 *(u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)*

20. This application is filed on behalf of the Plaintiffs under Order XXXIX Rules 1 and 2 read with Section 151 of CPC for grant of *ex parte* ad interim injunction.

21. Issue notice to the Defendant through all permissible modes, returnable before Court on 16.09.2026.

22. Case of the Plaintiffs as set out in the plaint is that Plaintiff No. 1 is a company incorporated under the laws of Delaware USA and is a wholly owned subsidiary of Incyte Corporation, which is a global biopharmaceutical company founded in the year 2002 and engaged in the business of developing and manufacturing prescription biopharmaceutical medications in multiple therapeutic areas including oncology, inflammation and autoimmunity. Plaintiff No. 1 has unique expertise in medicinal chemistry and biology that has enabled it to create a diversified portfolio of marketed products and clinical candidates. Plaintiff No. 2 is incorporated under the laws of Switzerland and both Plaintiffs No. 2 and 3 are part of the 'Novartis' group, which is internationally known for its superior and high-quality pharmaceutical products and is strongly committed to research and development and has expended US$ 11.2 billion on pharmaceutical research and development in 2025 alone.

23. It is stated that present suit pertains to Indian Patent bearing No.269841 (IN'841), which protects the novel and inventive compound

Ruxolitinib, used in treatment of myelofibrosis i.e., bone marrow cancer and works by blocking a group of enzymes known as Janus kinases (JAKs), which are involved in production and growth of blood cells. IN'841 is valid and subsisting and will expire on 12.12.2026.

24. It is stated that IN'841 pertains to new and inventive heteroaryl substituted pyrrolo [2,3-b]pyridines and heteroaryl substituted pyrrolo[2,3-b]pyrimidines compositions comprising these compounds, which modulate the activity of JAKs and in particular, these compounds are inhibitors of JAK1 and JAK2 activity and provide a potent treatment for disorders associated with mutation involving these enzymes. Claims 1, 17 and 21, of the suit patent cover the patented compound Ruxolitinib, pharmaceutically accepted salt and composition thereof, respectively. Bibliographic details of IN'841 are as follows:-

Indian Patent No.	269841
Indian Patent Application No.	2365/KOLNP/2008
Priority details dates	US60/749905 (13.12.2005), US60/810231 (02.06.2006), US60/850625 (10.10.2006), US60/856872 (03.11.2006), US60/859404 (16.11.2006)
PCT Application no.	PCT/US2006/047369
International Filing date	12.12.2006
International Publication No.	WO/2007/070514
Filing date of National phase Application	12.06.2008
Publication under Section 11A	23.01.2009
Request for examination	03.12.2009
Pre-grant representation filed under Section 25(1) r/w Rule 55(1)	12.11.2012
First Examination Report (FER)	23.12.2013
Notice of opposition under Rule 55(3)	03.01.2014

Reply Statement and evidence filed by the Applicant under Rule 55(4)	04.04.2014
Reply to FER	30.06.2014
Hearing before the Controller of Patents	29.09.2015
Controller's decision on the pre-grant opposition	30.10.2015
Date of grant	10.11.2015
Post grant publication	13.11.2015
Date of expiry of suit patent	12.12.2026

25. It is stated that the pre-grant opposition to IN'841 was withdrawn and there was no post-grant opposition or revocation filed by any party. The drug Ruxolitinib is a new chemical entity and has been given an International Non-Proprietary Name (INN), which is a name designated by the WHO to new Active Pharmaceutical Ingredients (APIs) in order to avoid confusion. The chemical name, formula and structure of Ruxolitinib are as under:-

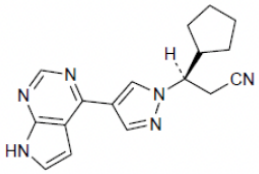
Chemical Name:

(3R)-3-cyclopentyl-3-[4-(7H-pyrrolo[2,3-d]pyrimidin-4-yl)-1H-pyrazol-1-yl] propanenitrile *(as per WHO, USAN Publication, Example 67 and claim 17 of the suit patent IN'841)*

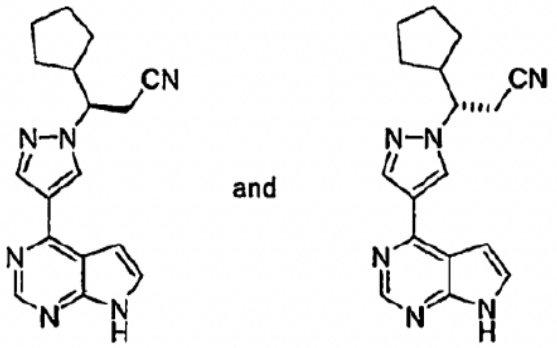
Molecular Formula:

$C_{17}H_{18}N_6$

Molecular structure:



(Reference: WHO Drug Information, Vol.24, No.2, 2010 and USAN publication)



(Reference: Example 67 of the suit patent)

26. It is stated that the invented compound Ruxolitinib is marketed and sold in India and other countries under the brand name JAKAVI®, which is a prescription drug containing Ruxolitinib as its phosphate salt. Plaintiff has furnished the sale figures pertaining to the drug in question in India as also globally in paragraph 40 of the plaint.

27. It is stated that during an online search in the month of January, 2026, when Plaintiffs were conducting their periodic due diligence in order to verify that no other company commercially manufactures pharmaceutical drug containing the patented compound Ruxolitinib as an API, Plaintiffs found that Defendant had listed 'Ruxolitinib' as one of its *'Scale-up APIs'* in its API Brochure on its website https://aurorels.com/api/, screenshot of which is as follows:-

Scale-up APIs

#	Products	Therapeutic Category	USDMF	CEP/ EDMF	OTHERS
1	Bepotastine Besylate	Anti-Histamine	Scale-up		Samples Available
2	Ruxolitinib	Myelofibrosis	Scale-up		Samples Available
3	Carprofen	Anti-Inflammatory	Scale-up		Samples Available
4	Lumateperone Tosylate	Anti-psychotic drug	Scale-up		Samples Available

Source: https://aurorels.com/api/ (last accessed on 14.07.2026)s

28. It is further stated that Defendant has also mentioned on the website that samples are available and such representation indicates that development of Ruxolitinib is at an advance stage and has proceeded beyond the initial stage towards commercial manufacture. Further, search revealed that Defendant has been listed as a supplier for Ruxolitinib/Ruxolitinib Phosphate API on a third-party interactive commercial website, namely, Pharmacompass (https://www.pharmacompass.com/). To ascertain whether Defendant has launched its product, Plaintiff No. 2 engaged an investigator to conduct market search and investigation report dated 06.07.2026 confirmed that Defendant has obtained manufacturing license for Ruxolitinib/Ruxolitinib Phosphate API from the Drugs Control Administration, Telangana and intends to commence commercial manufacture/stockpiling and commercially launch the drug in India as also export/supply to international markets including in USA, Europe and Africa. Currently, Defendant is procuring orders to assess the potential market interest in Ruxolitinib/Ruxolitinib Phosphate API.

29. Mr. Hemant Singh, learned counsel for the Plaintiffs submits that Claims 1, 17 and 21 of IN'841 cover in claim Ruxolitinib compound, pharmaceutically acceptable salt and composition thereof and when Claim 17 of IN'841 is compared with Defendant's listing for Ruxolitinib/ Ruxolitinib Phosphate API, it is clear that Plaintiffs' patent is infringed. Defendant is well aware that Ruxolitinib/JAKAVI® is a great success globally for treatment of Myelofibrosis and is intending to manufacture and supply generic Ruxolitinib and earn unlawful profits therefrom. Plaintiffs have a valid patent and thus a statutory right to its exclusive use under Section 48 of the Patent Act, 1970 ('1970 Act') and the rights need to be protected so that Defendant does not commercially launch its product.

30. In light of the submissions made by Mr. Hemant Singh and after perusing the documents on record, I am of the view that Plaintiffs have made out a *prima facie* case for grant of *ex parte* ad interim injunction. Balance of convenience lies in favour of the Plaintiffs as they have a valid patent, the term of which is yet to expire and Defendant is yet to commercially launch its product. Irreparable injury shall be caused to the Plaintiffs, if the relief sought is not granted at this stage.

31. Accordingly, till the next date of hearing, Defendant and all others acting on its behalf are restrained from using, manufacturing, stockpiling either through itself or third-parties, importing, offering for sale, selling, exporting and/or directly or indirectly dealing in pharmaceutical drug product containing the compound Ruxolitinib alone or in combination with any other compound/formulation, which may amount to infringement of Suit Patent No. IN'841.

32. Plaintiffs shall comply with the provisions of Order XXXIX Rule 3 CPC within a period of two weeks from today.

I.A. 19398/2026 *(u/O XXVI Rule 9 r/w Order XXXIX Rule 7 and Section 151 CPC)*

33. This application is filed on behalf of the Plaintiffs seeking appointment of Local Commissioners.

34. List before Court on 16.09.2026.

JYOTI SINGH, J

JULY 27, 2026
S.Sharma