

Cipla wins pre-grant opposition against Novartis for dispersible tabs containing deferacirox

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The Chennai patent office has granted a pre-grant opposition in favour of Cipla for dispersible tablets containing 'deferacirox'. Out of the four grounds under which Cipla had filed for the pre grant opposition, the Patent office upheld two of it.

Novartis had filed an application for patent for their invention titled, dispersible tablets containing deferacirox in 2007 with the Chennai patent office. Cipla had subsequently filed a pre-grant opposition through their Attorney Gopakumar Nair Associates under section 25(1) of the Patents Act.

While pronouncing the decision on June 17, the patent office upheld two grounds under sections (25(1)(e) which dealt with obviousness and lack of inventive step and (25(1)(f) dealing with not an invention or the invention is not patentable.

In its decision, the Controller concluded that the claims were obvious in view of the cited articles because the claims read upon the previously disclosed ranges. Additionally it stated that the claimed composition merely had additive properties and hence is un-patentable under section 3(e) of the Act.

In the section related to section 3(e), the Controller simply reproduced the arguments of both the parties and went on conclude that the claimed composition did not pass the test as laid down under section 3(e).

However the patent office rejected Cipla's application filed under section 25(1) (b) as all the components of the present invention are not specifically disclosed in the prior articles documents making the claims of the claimed inventions novel over the cited prior articles. And under section 2s(1) (h) of the Act as Novartis had met the entire requirement as per section 8 of the Act.

Speaking about pre grant opposition, Dr Gopakumar Nair, CEO, Gopakumar Nair Associate said, "The provision of pre grant patent is an important tool for Indian companies as it enables them safeguard their interest and help them prevent abuse of monopoly rights through patents."