

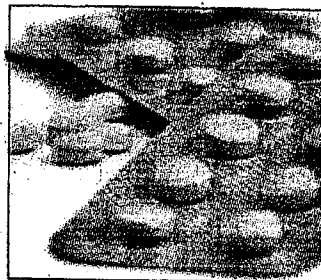
## IPAB admits Pfizer's plea against rejection of patent for arthritis drug

**Sajan C Kumar**

**Chennai, Aug 22:** US pharma major Pfizer Products was on Friday allowed to appeal against the rejection of its patent application for Tofacitinib, a drug for treating rheumatoid arthritis. Allowing a condonation of delay (CoD) petition by the drug major, the Intellectual Property Appellate Board (IPAB) said that the company had cited sufficient and valid reasons for the delay of 33 months and 12 days.

The board has allowed it to file an appeal against the rejection by the Assistant Controller of Patents & Designs, Mumbai, through an order dated June 9, 2011.

The patent office had dismissed Pfizer's application for the patent, titled "Chiral Salt Resolution," stating that the claim was not patentable under section 3 (d) of the Patent Act as it lacked novelty. The IPAB bench, comprising Justice KN Basha, chair-



man, and DPS Parmar, technical member-patents, said, "We are of the considered view that the petitioner (Pfizer) has not only assigned sufficient reasons but also shown valid cause for condonation of delay."

Citing the apex court's orders in several cases on CoD petitions, the bench further said it was desirable to consider the matter on merit, and the CoD plea cannot be ignored on technical grounds. "In view of this, we are to allow this CoD as the delay was not wilful and allow the appeal against the Patent Office's impugned order that dismissed the patent application," the bench said.

*Patent.*