PRESS INFORMATION BUREAU
पत्र सूचना कार्यालय
GOVERNMENT OF INDIA
भारत सरकार

**Financial Express, Delhi**
**Friday 30th January 2015, Page: 19**
**Width: 12.46 cms, Height: 15.66 cms, a4, Ref: pmin.2015-01-30.27.66**

# Patent dispute: Novartis objects to Wockhardt filing fresh documents

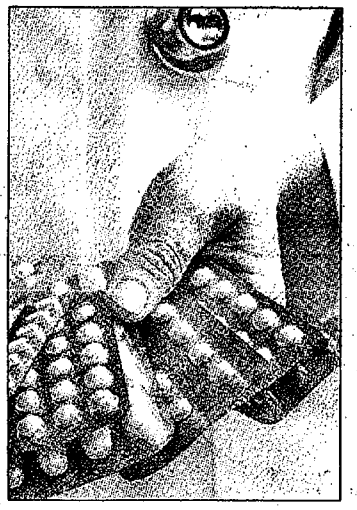
**Sajan C Kumar**

**Chennai, Jan 29:** Swiss pharma company Novartis has raised objections to Wockhardt filing additional documents in a revocation petition by the latter against the former's patent for anti-diabetes drug Vildagliptin.

Opposing the miscellaneous petition by Wockhardt at the Intellectual Property Appellate Board (IPAB) seeking filing of additional documents, Novartis submitted that there was no provision in the relevant Acts to accept additional documents in a revocation petition, out of the prescribed form.

Novartis contended that the original revocation petition was filed in 2013 and that they disapprove of Wockhardt seeking to file fresh documents now by making a miscellaneous petition.

The counsel for Wockhardt argued that they were seeking to file additional documents that they have come across recently to argue the revocation plea and to strengthen the grounds already put forth in the original revocation petition.



However, the counsel for Novartis submitted that the opponent has no liberty to file additional documents once the revocation petition was filed in the prescribed format. "A patentee has certain legal safeguards, once a patent was granted to them. Coming out with a revocation petition after seven long years and seeking filing of additional documents cannot be permitted," the Novartis counsel argued.

After the preliminary hearing, the IPAB bench of Justice KN Basha, chairman and DPS Parmar, technical member, patents, adjourned the hearing to February 13.

IPAB had decided to proceed with the hearing of the revocation petition even as a dispute between the parties on an alleged infringement of patent of the same product was pending with the Delhi High Court. The dispute was on the patent of Vildagliptin, an oral anti-hyperglycemic agent was also marketed in combination with Metformin Hydrochloride, owned by Novartis in India. The patent was challenged by Wockhardt in September, 2013 through a revocation petition before the IPAB.

Wockhardt had approached the IPAB for early hearing of the revocation petition as its licence for manufacturing its diabetes drug was a temporary one and would be expiring soon. It had also argued that the matter pending with the Delhi HC was related to the alleged infringement of Novartis' patent and there was no bar on IPAB hearing the petition on revocation of patent.

Patent