

PATENT ISSUE

# Court grants Novartis temporary injunction against Ranbaxy

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NEW DELHI

The Delhi high court on Monday restrained Ranbaxy Laboratories Ltd from manufacturing and selling a copycat version of vildagliptin, an anti-diabetes medicine patented by Swiss drug maker Novartis till December 2019.

Vildagliptin and its formulations are sold under trade names Galvus, GalvusMet and Eucreas by Novartis as well as companies that have obtained permits from it. Novartis sold \$577 million worth of Galvus and \$707 million of GalvusMet.

Novartis took Ranbaxy to court, alleging that the latter was proposing to manufacture vildagliptin. The Swiss firm earlier obtained injunctions against generic drug makers such as Wockhardt and Zee Laboratories for the same drug.

Although judge G.P. Mittal of the high court stopped Ranbaxy from making or selling the drug, he said the court's observations on the matter were tentative because Ranbaxy has not yet started production of the medicine.

The case will come up for hearing again on 28 October.

Calling vildagliptin a "wonder drug" and a "significant advancement as far as type 2 diabetes is concerned", Novartis' lawyer Gopal Subramaniam on Friday argued that various courts have granted Novartis anticipatory injunctions against generic drug manufacturers that reinforce its patent.

Novartis also produced a study it had commissioned that quotes a manager at Ranbaxy saying that "vildagliptin is at the developmental stage and is being actively pursued for development".

Ranbaxy has filed an application with the Intellectual Prop-

erty Appellate Board, asking for the revocation of Novartis' patent, the local drugmaker's lawyer P. Chidambaram said in court. The court in its order noted that the fact that Ranbaxy had applied for revocation of Novartis' patent "shows that the defendant (Ranbaxy) wants to launch the compound patented".

"The judge may have thought it fit to grant the injunction since the generic drug has not yet been introduced in the market and therefore the harm to the defendant and the public is far less than would have been the case had a generic version been present in the market," said Shamnad Basheer, a former ministry of human resource development chair at National University of Juridical Sciences, Kolkata.

While Ranbaxy refused to comment, Novartis could not be reached for comments.

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