

IPAB refers opposition to anti-cancer drug to patent office

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The Intellectual Property Appellate Board (IPAB) has asked the patent office to consider afresh a matter related to the patent application of US-based Abraxis BioScience for its anti-cancer drug Abraxane, following pre-grant opposition by Hyderabad-based Natco Pharma.

Natco has developed a generic version of the drug under the brand name Albupax. Emails sent to Celgene, which acquired Abraxis BioScience in 2010, and Natco Pharma for comment on the order didn't elicit a response till the time of going to press.

IPAB set aside an order of the Assistant Controller of Patents & Designs, saying it was passed in "flagrant violation of principles of natural justice". An order issued by IPAB Chairman K N Basha and technical member (patents) DPS Parmar said it remanded the matter to the Assistant Controller of Patents & Designs for fresh consideration. It also directed the procedure be completed within three months from the date of the IPAB order.

On July 24, 2009, the assistant controller of patents & designs had refused to grant a patent to US-based Abraxis BioScience's albumin-bound paclitaxel for an injectable suspension that had the brand name Abraxane and was used in the treatment of breast, lung and pancreatic cancers.

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