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Date : 09-02-2010

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Court throws out pharma co's patent claim

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New Delhi: The Delhi high court on Monday dismissed global biopharma firm UCB Farchim SA's complaint against Indian drug maker Cipla Ltd and the country's patents authority over the rejection of the former's patent application for an anti-allergy drug.

The Switzerland-based firm had asked the court to quash the Controller General of Patents, Designs and Trademarks' 24 July 2009 order rejecting its claim for a patent.

The patents authority had rejected the claim saying, "The claimed invention covered by the subject application lacks inventive steps." Cipla on 4 December 2008 had opposed UCB Farchim's patent application. The high court directed UCB Farchim to file its appeal before the Intellectual Property Appellate Board instead of a high court.

Patent lawyer Pratibha M. Singh hailed the judgement as a landmark, saying it would discourage the trend of companies filing petitions in various high courts in patent disputes.

In many cases where a patent claim of a pharmaceutical company is rejected, it approaches the high court, which delays the entire patent granting process, she said.