

Indian firm succeeds in revoking Allergan patents

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New Delhi: The Indian Intellectual Property Appellate Board (IPAB) revoked two composition patents of US-based Allergan that were for eye-related treatments.

Ajanta Pharma had applied for revocation of both the patents, including IN 212695 and IN 219504 that were granted by the Kolkata Patent Office in December 2007 and May 2008 respectively, under independent applications in 2011.

Ajanta was seeking revocation on the grounds of 'obviousness, not an invention, not patentable, insufficiency and non-disclosure' under Section 8 of the Patents Act (2005) with Intellectual Property Appellate Board (IPAB).

While IN 212695 was related to invention for the composition covering Bimatoprost and Timolol (Ganfort of Allergan), IN 219504 was related to invention for the composition covering Brimonidine and Timolol (Combigan of Allergan). Ajanta has already been successfully selling Bimat T and Bidin LS in the Indian market.

The IPAB, which has been constituted by the central government in the ministry of commerce and industry to hear appeals against the decisions of the registrar/controller from the patent and trademark offices and all appeals from various High Courts, revoked both the patents on grounds of obviousness and breach of section (8) of IPA, 1970, as put forward by Ajanta.