Abbott unit's divisional patent application for drug rejected in India

Sajjan C. Kumar

Chennai, Dec 25: The country's patent office has rejected a divisional patent application by AbbVie Biotechnology Ltd, a biopharmaceutical arm of US-based Abbott Laboratories, for treating disorders including Crohn's and Psoriasis diseases.

The patent office has rejected a divisional patent application by AbbVie Biotechnology, the biopharmaceutical arm of US-based Abbott Laboratories, for treating disorders including Crohn's and Psoriasis diseases.

According to documents filed with the Delhi patent office, the claimed invention is related to Adalimumab, a medication marketed under the Humira brand. In a setback to the company, the Chinese patent office had in September rejected the same patent application, citing the lack of novelty and inventive steps.

Back in India, AbbVie faced a rather stiff opposition. Opposing the application, the Indian Pharmaceutical Alliance (IPA), which represents research-based national pharmaceutical companies, had filed a protest against the application.

While AbbVie argued for the patent initially, the company later informed the patent office that it lost interest in the application and would not pursue it further.

Anita Jat, assistant controller of patents and designs, Delhi, while rejecting the patent application, said that the claimed composition was a mere mixture of known ingredients resulting only in the aggregation of the properties of the components.

The patent office further said it was not clear if the combined agents act together to provide a technical effect that was greater than just the sum of the two or more agents alone, or whether the combination was in fact a mere juxtaposition with no interaction of the agents.

The cited documents and the documents in the filed pregrant representation show that the antibody is known in the prior art with its use in the...