

# HC asks patent office to review Gilead's case

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**Mumbai:** The Delhi high court has sent the decision of patent refusal for US firm Gilead's hepatitis C drug, Sovaldi, back to the patent office on procedural grounds. The court's decision is in response to Gilead's writ petition seeking that the order rejecting its patent on the drug, be set aside.

This implies that the patent office will start afresh and hear the entire case again.

The patent office had earlier rejected a patent to the US drug maker for the hepatitis C drug Sovaldi which, priced at \$1,000 per pill in the US, has caused a worldwide debate on the pricing of patented medi-

cines. Subsequently, Gilead filed a writ petition which was heard on January 30.

Gilead has decided to introduce the drug in India at nearly 99% discount of the US price at about \$900 for a 12-week course of treatment. Last month, the Delhi patent office rejected Gilead's patent application on the ground that it did not meet the requirements of Section 3 (d) of the Indian patent law.

Experts say that the decision was being referred back to the patent office on procedure only, and that the merits of the original decision are not being questioned. "It will be a lengthy process, with four oppositions to the patent application to be heard," an official

from MSF, an international medical organization said, adding it's a "strong opposition".

The patent application for Sovaldi has been opposed by four different entities — Initiative for Medicines, Access & Knowledge (I-MAK) and the Delhi Network of Positive People (DNP+), drug companies Natco Pharma and BDR Pharmaceuticals, and recently Sankalp Rehabilitation Trust, represented by Lawyers Collective also filed an application.

Sources said on challenge before the Delhi high court, however, it seems likely that the matter will be remanded to the patent controller to be heard along with the pending oppositions.

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