

Germany's Boehringer denied patent on HIV drug

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Mumbai: The Indian Patent Office has denied Germany's Boehringer Ingelheim a patent on its key HIV drug, Nevirapine, for a version sold as Viramune XR (extended release), yet again thwarting attempts by Big Pharma for "exclusivity" extension on their patented drugs to reportedly block entry of affordable generics.

The application on the Nevirapine extended release formulation was refused since it was found to be "obvious" and lacking inventive step, violating Section 3(d) of the Indian Patent Act — a provision under which Novartis lost the patent on its blockbuster drug Glivec in 2013.

Simply put, Viramune XR

hibits grant of patents to new forms of known substances, unless the new form results in enhanced efficacy over the known substance.

The MNC had applied for a patent in India on the extended release of the HIV drug in July 2009, on which domestic company Cipla filed a pre-grant opposition in 2011, and later launched its generic version.

The application was examined by the Indian Patent Office, which raised objections in its examination report in January 2014 over obviousness and Section 3(d). The German company filed a response through its agents Remfry & Sagar. Cipla then filed a pre-grant opposition through S Majumdar & Co.

Boehringer did not respond to a query by TOI.

was found to be merely a new form of something already known, without demonstration of any enhanced therapeutic efficacy. Section 3(d) pro-

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PS (SAG)

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US (P-11)

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Cons (VKT)

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