

Gilead Pushes to Club Patent Rows at Kolkata

Withdraws writ petition in Delhi HC

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Mumbai: US drug maker Gilead Sciences withdrew a writ petition it filed in Delhi High Court in support of consolidating hearings over patent rights of its Hepatitis C drug sofosbuvir at the Kolkata Patent Office.

In a May 9 order, the Delhi High Court had dismissed the case after a communication from the Kolkata Patent Office to Gilead that the separate cases pertaining to opposition of patent grant to Gilead's drug Sovaldi will be clubbed and heard simultaneously for an expeditious conclusion.

Gilead did not comment on the decision saying the matter was sub judice. Public health agency Initiative for Medicines, Access and Knowledge (I-MAK), Optimus Pharma, India Cares and Sankalp Rehabilitation Trust are among entities named as filers for pre-grant

opposition to the patent of the pro-drug of sofosbuvir. A pro-drug is inert by itself but produces a drug when introduced into the body.

Legal experts questioned Gilead's decision to take up the matter at the Delhi HC, saying it ought to have directly approached the Kolkata Patent Office.

Meanwhile, humanitarian aid agency Médecins Sans Frontières (MSF), or Doctors Without Borders, said it is relieved that the Delhi HC allowed I-MAK and Delhi Network of Positive People an opportunity to hear the legality of the



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decision granting the base compound patent to Gilead. Last week, the Indian Patent Office granted the patent to Sovaldi after an acrimonious tussle with various health activist groups. This reversed a rejection of the application last year on the grounds there had been no significant advance over an earlier compound developed by Gilead.

"While Gilead has signed licences with multiple generic manufacturers in India to produce the drug and sell it in the world's poorest countries, those producers are prohibited from selling more affordable versions of sofosbuvir to many middle-income countries, where 50 million people with hepatitis C live," MSF said in its May 14 statement. "This is leaving patients in these countries, including our treatment projects, vulnerable to the high prices Gilead chooses to charge." MSF noted Gilead has a price tag of \$84,000 per 12-week treatment course with sofosbuvir in the US and \$47,000 in European countries such as France.

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