

Cipla infringing Roche's cancer drug patent: HC

TIMES NEWS NETWORK

New Delhi: The Delhi high court on Friday held that Cipla was infringing Swiss pharmaceutical company Hoffman-La Roche's patent in lung cancer drug erlotinib hydrochloride, sold under the name of Tarceva.

In a setback to the Indian drug major, a division bench of Justices Pradeep Nandrajog and Mukta Gupta ruled in favour of Roche after noting that Cipla's lung cancer medicine, Erllocip, was one poly-

morphic form of the erlotinib hydrochloride compound, which may exist in several forms, and Roche's patent claim was not limited to any one such version.

BITTER PILL

The bench, however, did not grant any injunction in favour of Roche by restraining Cipla, saying the patent in favour of the Swiss company would expire in March 2016 and no such order had been passed by the single-judge and

the Indian company had continued to manufacture and sell Erllocip.

The order came on the plea of Cipla and Roche, both of which had challenged the single judge's order of September 7, 2012. The single judge in his September 2012 order had held that Cipla was not infringing Roche's patent and refused to grant any injunction against the Indian company. The single judge had also refused to revoke the patent of the Swiss company as sought by Cipla.

Patent