

HC restrains Glenmark from selling MSD drug

TIMES NEWS NETWORK

New Delhi: In a setback to Indian drug manufacturer Glenmark Pharmaceuticals, the Delhi high court on Wednesday passed a decree against it for violating the patent of US pharma major Merck Sharp and Dohme (MSD).

"Defendant is restrained by a decree of permanent injunction from making, using, selling, distributing, advertising, exporting, offering for sale or dealing in Sitagliptin phosphate monohydrate or any other salt of Sitagliptin in any form, alone or in combination with one or more other drugs, thereby infringing patent of the plaintiffs," Justice A K Pathak ruled on Glenmark's anti-diabetes drugs ZITA and ZITA-MET. "Sitagliptin (invented by MSD) is not the only DPP-IV inhibitor (oral anti-diabetes drug) for treatment of type II diabetes in the market and there are several other DPP-IV inhibitors, including the one manufactured and marketed by the defendant, that is, Teneligliptin," HC said, rejecting the argument of Glenmark that public interest will suffer since they are selling the drug at a cheaper price.

"Merely because defendant (Glenmark), who is manufacturing generic version, is selling a tablet at a lower price than that of plaintiffs cannot be made ground to decline injunction against the defendant, who has been found to have been infringing the invention of the plaintiffs, is as much as, a competitor of the plaintiffs," the court observed.

An MSD spokesperson said the company was "pleased" that the high court has found Glenmark "to have infringed the patents of our Sitagliptin products Januvia and Janumet". MSD in its plea had sought permanent injunction against Glenmark, alleging that the Indian pharma company violated its IPR over its anti-diabetes medicines

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