



Lessons from the Valcyte patent battle

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Archana Shanker and Nupur Maithani consider what the battle over the Valcyte patent reveals about the Indian judiciary's approach to pharmaceutical patents. The Valcyte patent has followed a rather meandering course at the Indian Patent Office at Chennai. Roche filed Indian parent application 959/MAS/1995 claiming the Lvalyl ester of ganciclovir on July 27 1995. The claimed mono-L-valyl ester has the advantage of increased oral bioavailability as compared to the base compound ganciclovir and its L-valyl di- ester. A pre-grant opposition was filed against Roche's Valcyte application by the Indian Network for People Living with HIV/AIDS (INP+) and the Tamil Nadu Network of People with HIV/AIDS (TNNP+). The opposition was taken on record and Roche was directed to file a statement in reply. Its problems began when, after considering the opposition and reply statement, the Controller of Patents granted a patent (IN 207232) on the Valcyte application without hearing the parties to the opposition. *This article was published in IP Focus: Life Sciences 2010.* To continue reading, please contact us at email@anandandanand.com



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