



Merck Vs Glenmark

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In a first, the Delhi High Court has held the patent of the Plaintiff, Merck, valid and infringed upon by Glenmark in what is a welcome decree for innovators The decision passed by the Delhi High Court on 7 October 2015, decreeing the suit in favour of the Plaintiff/ Patentee in Merck Sharp & Dohme Corp. & Anr. V. Glenmark Pharmaceuticals Ltd. not only vindicates the patent law system of the country but also appears to be a silver lining in the cloud for innovators. This decision where the court held the patent of the Plaintiff valid and infringed is the first of its kind passed in favour of a patentee ever since the enactment of the Patents Act 1970. Merck along with its licensee Sun Pharmaceutical Industries Ltd. filed a patent infringement lawsuit against Glenmark Pharmaceuticals Ltd. in April 2013, when the latter began marketing competitor drug products which infringed Merck's patent for Sitagliptin and its pharmaceutically acceptable salts. Initially before the Single Bench of the High Court Plaintiff's request for an interim injunction was denied, but on appeal, the Division Bench accepted that the patent was indeed valid. *Authored by Pravin Anand and Udit M. Patro. This article was published in Legal Era April 2016.* [Read more](#)

