Protection of Patent in Two Hearings

News & Updates • September 11, 2019

Liraglutide formulation patent dispute India: NOVO NORDISK A/S & ANR vs. SAJJALA BIO LABS PRIVATE LIMITED. CS (COMM) 394/2019 A suit was filed seeking a permanent injunction restraining infringement of suit patent nos. 257402 and 257528. The Plaintiff alleged that the suit patents related to a novel and unique formulation of the molecule 'LIRAGLUTIDE' and a process thereof. On acquiring knowledge that the Defendant was planning to launch 'LIRAGLUTIDE' in a formulation that would be infringing the Plaintiff's patents, the suit was filed seeking a permanent injunction and other reliefs. On 2 August 2019, the Defendant entered appearance and sought time. In the interregnum, the parties explored an amicable resolution in view of the stand taken by the Defendant. Ld. Counsel for the Defendant further submitted that it was not the intention of the Defendant to infringe upon any of the suit patents being IN 257402 and IN 257528. Accordingly, the Plaintiff, upon the Defendant's assurances, did not press for rendition of accounts or other reliefs so long as the undertaking of the Defendant was recorded that they shall not infringe the suit patents IN 257402 and IN 257528. On 6 August 2019, the Hon'ble High Court of Delhi decreed the suit on the basis of the following terms and conditions which were mutually agreed upon by the parties:

- That the Defendant undertakes not to manufacture, use, offer for sale or sell any formulation of 'LIRAGLUTIDE' or use a process for manufacture thereof, which constitutes an infringement of Suit patent nos. IN 257402 and IN 257528;
- The above undertaking shall not in any manner preclude the Defendant from manufacture or sale of the API 'LIRAGLUTIDE' so long as the same is a non-infringing formulation or process;
- In view of the above undertakings given by the Defendant, the Plaintiff does not press for the relief of rendition of accounts or damages;
- The Defendant assures the Court that it does not have any stock of infringing 'LIRAGLUTIDE' products.

Further, in view of the suit having been settled at the inception itself, 50% of the Court fee was directed to be refunded to the Plaintiff. While there may be cases with a pressing lack for speedy disposal but decrees such as these demonstrate how depending on resolution efforts, matters may be promptly disposed of. Team Anand and Anand: Pravin Anand, Archana Shanker, Dhruv Anand, Udita M Patro and Kavya Mammen.

RELATED INDUSTRIES

IT AND E-COMMERCE LAWS

RELATED PRACTICES

COPYRIGHT
PATENTS