ARRAY BIOPHARMA INC. PATENT GRANTED ON P38 INHIBITORS

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Array Biopharma, represented by Anand and Anand, applied for a patent bearing number 4160/DELNP/2009 on 23/11/2008 entitled "P38 INHIBITORS AND METHODS OF USE THEREOF". A request for examination under Section 11-B was filed on 17/12/2009 and after the response to the same, a hearing notice was issued challenging the patent eligibility of the claimed subject matter as well as the unity of invention in view of the claim construction. The single inventive concept of the claimed compounds was argued to be in the fact of having the same base structure as well as the same function with the support shown in the specification by way of several examples. With respect to the objection under Section 3(d), the claimed compounds were argued to be neither derivatives nor mere discovery and hence being the statutory patentable subject matter. It was further demonstrated that there was no closest prior art compound which may be considered as to be the known substance and that that the claims of the instant application relate to new compounds and not any form of a known substance. Detailed submissions with respect to seven prior art citations were made with respect to the novelty and inventive step below which clearly indicate the claimed compounds to be new and not derivatives or new forms. The objection was set aside in view of the arguments and patent grant decision was issued on 25/10/2018. **Significance:** Section 3(d) objection overcome without the need of comparative data as usually asked by the Patent office for higher efficacy. **Team Anand and Anand:** Dr. Neeti Wilson

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