CASE COMPENDIUM

PATENT



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CREDITS

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CASE COMPENDIUM (PATENT)

(India Specific)

Pharmaceutical Cases

1. NOVARTIS AG V. UNION OF INDIA & OTHERS

Citation: (2013) 6 SCC 1

Drug Involved: Imatinib Mesylate (Marketed as Glivec, used for chronic myeloid leukaemia)

PLAINTIFF	DEFENDANT
Novartis AG	**Union of India & Others**

Facts: Novartis sought a patent for the beta crystalline form of Imatinib Mesylate. The Indian Patent Office and subsequent appellate bodies rejected it, stating it was merely a new form of a known substance.

Issues: Did the beta crystalline form constitute a genuinely new "invention," or was it a mere discovery of a new form of a known substance? What standard of evidence is required to show "enhanced therapeutic efficacy" under Section 3(d) of the Patents Act?

Final Ruling: The Supreme Court rejected Novartis's appeal. The court held that under Section 3(d), a physical improvement (such as better thermodynamic stability or lower hygroscopicity) does not equal an increase in therapeutic efficacy. To secure a patent, an innovator must prove a significant, measurable upgrade in the drug's healing capability.

Precedent & Impact: This is India's definitive ruling against the "evergreening" of pharmaceutical patents. It established a high threshold for patenting incremental variations of existing molecules, protecting the domestic generic manufacturing industry and preserving access to low-cost, life-saving medicines worldwide.

2. BAYER CORPORATION V. UNION OF INDIA & NATCO PHARMA LTD.

Citation: 2014 SCC OnLine Bom 963 / AIR 2014 Bom 178 (Supreme Court Special Leave Petition dismissed later in 2014)

Drug Involved: Sorafenib Tosylate (Marketed as Nexavar, used for kidney and liver cancer)

PLAINTIFF	DEFENDANT
Bayer Corporation	**Union of India & Natco Pharma Ltd.**

Facts: Bayer retailed its patented cancer drug at an astronomical cost of over ₹2.8 lakh per month. Domestic generic manufacturer Natco applied for a compulsory license under Section 84, promising to sell it at roughly ₹8,800 per month.

Issues: Were the three statutory conditions of Section 84 met: unmet public requirement, unaffordable pricing, and failure to "work" the patent locally? Does merely importing a drug satisfy the legal requirement of "working the patent in the territory of India"?

Final Ruling: The Bombay High Court (upheld by the Supreme Court) ruled firmly against Bayer, validating India's first-ever Compulsory License. The court held that patent monopolies cannot override public health requirements, and importing a drug does not automatically mean the patent is being appropriately "worked" if the price remains out of reach for ordinary citizens.

Precedent & Impact: This case established the definitive baseline for compulsory licensing in developing nations under the TRIPS agreement. It affirmed that healthcare affordability and public health equity carry higher legal weight in India than absolute patent monopolies.

3. F. HOFFMANN-LA ROCHE LTD. V. CIPLA LTD.

Citation: 2015 SCC OnLine Del 13619 (Final Division Bench Merit Ruling)

Drug Involved: Erlotinib Hydrochloride (Marketed as Tarceva, used for non-small cell lung cancer)

PLAINTIFF	DEFENDANT
F. Hoffmann-La Roche Ltd.	**Cipla Ltd.**

Facts: Roche sued Cipla for patent infringement after Cipla launched a significantly cheaper generic substitute called Erlocip.

Issues: Did Cipla's specific polymorphic form infringe Roche's broad, multi-form chemical compound patent? Can public interest and access to medicine prevent the court from granting a permanent injunction, even if patent infringement is proven?

Final Ruling: The Division Bench of the Delhi High Court delivered a highly nuanced split outcome. It ruled that Roche's patent was valid and that Cipla had infringed upon it. However, noting that the patent's lifecycle was near its end (2016) and prioritizing public health access, the court denied a permanent injunction to halt Cipla's sales, ordering Cipla to pay financial damages instead.

Precedent & Impact: This judgment introduced the "public interest balance" into the final relief stage of patent litigation. It established that Indian courts have the discretion to refuse an injunction on public interest grounds if removing a generic drug would cause severe disruption to patient care.

4. MERCK SHARP & DOHME CORP. V. GLENMARK PHARMACEUTICALS LTD.

Citation: 2015 SCC OnLine Del 8224

Drug Involved: Sitagliptin phosphate (Used for Type-2 diabetes)

PLAINTIFF	DEFENDANT
Merck Sharp & Dohme Corp. (MSD)	**Glenmark Pharmaceuticals Ltd.**

Facts: MSD filed a suit to permanently restrain Glenmark from manufacturing and marketing generic clones of its major anti-diabetes medications, Sitagliptin and Vildagliptin.

Issues: Can a generic manufacturer escape infringement by raising complex challenges against the innovator's patent based on obviousness and physical chemical structures? What parameters entitle an innovator to full, permanent injunctive relief in India?

Final Ruling: The Delhi High Court ruled directly in favor of MSD, granting a permanent injunction that barred Glenmark from selling its infringing products. The court noted that Glenmark's challenges regarding obviousness lacked credible technical merit.

Precedent & Impact: This ruling restored significant confidence for multinational innovators in the Indian legal system. It clarified that public interest defenses cannot be weaponized to defend blatant patent infringement when a valid, active patent has been clearly commercialized at a reasonable scale.

5. BRISTOL-MYERS SQUIBB CO. V. BDR PHARMACEUTICALS INTERNATIONAL PVT. LTD.

Citation: 2020 SCC OnLine Del 1705

Drug Involved: Dasatinib (Used for chronic myeloid leukemia)

PLAINTIFF	DEFENDANT
Bristol-Myers Squibb Company (BMS)	**BDR Pharmaceuticals International Pvt. Ltd.**

Facts: BMS sought an interim injunction to prevent BDR from launching a generic clone of Dasatinib. BDR argued that because it had reached out to BMS to negotiate a voluntary license, which BMS ignored, an injunction was unwarranted.

Issues: Does a generic manufacturer's attempt to open voluntary licensing negotiations give them a free pass to infringe a patent if talks stall? What constitutes a proper prima facie case for protecting a pharmaceutical patent at an interim stage?

Final Ruling: The Delhi High Court granted the interim injunction in favor of BMS. It clarified that an attempt to negotiate a license, or the mere presence of statutory compulsory licensing provisions in the law, does not permit a competitor to take the law into its own hands and "jump the gun" on an active patent.

Precedent & Impact: This case reinforced strict procedural discipline in pharmaceutical generic entry, closing a loophole where companies attempted to shield unauthorized drug launches behind generic, unresolved corporate licensing requests.

6. ASTRAZENECA AB V. INTAS PHARMACEUTICALS LTD.

Citation: 2021 SCC OnLine Del 3746 (Definitive Division Bench Ruling)

Drug Involved: Dapagliflozin (Used for Type-2 diabetes)

PLAINTIFF	DEFENDANT
AstraZeneca AB	**Intas Pharmaceuticals Ltd. (and accompanying generic manufacturers)**

Facts: AstraZeneca filed infringement actions against multiple generic companies to protect its diabetes medication. AstraZeneca held two separate layers of protection: an older, broad "genus" patent (covering a vast Markush formula) and a newer, specific "species" patent explicitly naming Dapagliflozin.

Issues: Can an innovator enforce a specific "species" patent if the target chemical compound was already fully disclosed and mathematically covered within an earlier "genus" patent? Does multi-layered patenting of this nature constitute unpatentable double patenting in India?

Final Ruling: The Division Bench of the Delhi High Court vacated the injunctions that had been given to AstraZeneca. The court held that a single compound cannot be protected under two separate patents at different times. Because Dapagliflozin was already fully disclosed and encompassed by the older genus patent, the subsequent species patent lacked the essential requirements of novelty and inventive step.

Precedent & Impact: This watershed ruling fundamentally altered how multinational pharmaceutical companies draft and prosecute patents in India. It introduced the "person in the know" standard for assessing obviousness and effectively restricted the practice of dividing a single pharmaceutical discovery across staggered, overlapping multi-layered patent applications.

Other Cases

1. BISHWANATH PRASAD RADHEY SHYAM V. HINDUSTAN METAL INDUSTRIES

Citation: (1979) 2 SCC 511 / AIR 1982 SC 1444 (Decided in Dec 1978)

PLAINTIFF	DEFENDANT
Bishwanath Prasad Radhey Shyam	**Hindustan Metal Industries**

Facts: The plaintiff held a patent for a specific structural combination of a furnace and a lathe used to manufacture and polish metal utensils. The defendant manufactured similar machinery, challenging the plaintiff's patent by asserting that the combination was already common knowledge in the trade.

Issues: Does a minor layout optimization or "workshop improvement" meet the strict statutory requirement of an inventive step? Does combining old, well-known mechanical elements into a single setup constitute a patentable invention if no unexpected technical result is produced?

Final Ruling: The Supreme Court invalidated the patent. The court famously held that a patent cannot be granted for a mere workshop improvement or for an aggregation of old components that behave exactly as expected. To be patentable, an item must exhibit real inventive ingenuity.

Precedent & Impact: This is India's foundational, universally cited locus classicus on inventive step and non-obviousness. It established the baseline test that continues to guide Indian patent examiners and courts in separating routine engineering modifications from genuine, patentable breakthroughs.

2. BAJAJ AUTO LTD. V. TVS MOTOR COMPANY LTD.

Citation: (2009) 9 SCC 797

PLAINTIFF	DEFENDANT
Bajaj Auto Ltd.	**TVS Motor Company Ltd.**

Facts: Bajaj alleged that TVS's new motorcycles infringed its patent on Digital Twin Spark Ignition (DTS-i) technology system utilizing two spark plugs to achieve more efficient fuel combustion. The dispute triggered an aggressive corporate legal battle over temporary injunctions.

Core Legal Issues: Should courts rely on protracted interlocutory (interim) injunction arguments to handle highly technical, multi-million dollar engineering patent disputes? How can the judiciary protect market innovation timelines from being frozen by endless pre-trial litigation?

Final Ruling: Evading a definitive ruling on the exact engine mechanics at the interim stage, the Supreme Court directed the trial court to skip further interlocutory stalling and decide the main suit via an accelerated, day-to-day trial within a strict, multi-week deadline.

Precedent & Impact: The case established a landmark procedural mandate: Intellectual Property disputes must be decided through speedy, definitive trials rather than hanging indefinitely on interim injunctions. It drastically accelerated the legal lifecycle of technology and commercial litigation in Indian courts.

3. TELEFONAKTIEBOLAGET LM ERICSSON V. MICROMAX INFORMATICS LTD.

Citation: 2013 SCC OnLine Del 1951

PLAINTIFF	DEFENDANT
Telefonaktiebolaget LM Ericsson	**Micromax Informatics Ltd.**

Facts: Ericsson sued Micromax for patent infringement, claiming the Indian handset maker was using its Standard Essential Patents (SEPs) — the foundational technology required to make mobile devices comply with international telecom standards — without paying appropriate licensing fees.

Issues: What legal standard determines whether an infrastructure royalty demand complies with Fair, Reasonable, and Non-Discriminatory (FRAND) terms? Does a patent holder abuse its dominant market position by requesting an injunction against a generic standard adopter?

Final Ruling: The Delhi High Court granted interim relief to Ericsson, directing Micromax to pay a temporary, court-monitored royalty calculated as a fixed percentage of the net selling price of the devices while setting parameters for final licensing terms.

Precedent & Impact: This case laid down the primary foundation for SEP and FRAND litigation in India. It effectively shaped how global technology standards are licensed locally, forcing incoming smartphone and consumer hardware brands to account for standardized patent portfolios.

4. ENERCON (INDIA) LTD. V. ALOYS WOBBEN

Citation: (2014) 5 SCC 1

PLAINTIFF	DEFENDANT
Enercon (India) Ltd.	**Dr. Aloys Wobben (Founder of Enercon GmbH)**

Facts: Dr. Wobben held several patents concerning wind energy technology and was locked in a severe corporate split with his Indian joint venture partner. The dispute generated dozens of parallel revocation petitions, appeals, and infringement counterclaims across multiple High Courts and tribunals.

Issues: Can a defendant simultaneously file an independent revocation petition before the Appellate Board/Court and maintain a statutory counterclaim for revocation within an active infringement suit? How should the judiciary resolve overlapping procedural tracks to avoid conflicting judgments on the exact same patent?

Final Ruling: The Supreme Court barred the double-tracked litigation strategy. The court ruled that if an infringement suit is already instituted and the defendant elects to file a statutory Counter-Claim for revocation within that suit, any independent revocation petition pending elsewhere automatically becomes untenable.

Precedent & Impact: This judgment streamlined the procedural framework of patent litigation in India, eradicating jurisdictional forum shopping and preventing companies from utilizing parallel statutory routes to delay infringement proceedings.

5. FERID ALLANI V. UNION OF INDIA & OTHERS

Citation: 2019 SCC OnLine Del 11867

PLAINTIFF	DEFENDANT
Ferid Allani	**Union of India & Others**

Facts: The petitioner, a Tunisian citizen, sought an Indian patent for a "method and device for accessing information sources and services on the web." The Indian Patent Office rejected the application under Section 3(k) of the Patents Act, claiming it was a non-patentable computer program.

Issues: Does Section 3(k), which bars the patenting of "computer programs per se," create an absolute exclusion for all software-driven innovations? How should the phrase "per se" be interpreted when software code achieves a practical, tangible mechanical result?

Final Ruling: The Delhi High Court ruled that the bar under Section 3(k) applies exclusively to raw, abstract computer code. If an invention implemented through software demonstrates a clear "technical effect" or a "technical advancement" — such as optimized hardware memory allocation or reduced transmission latency — it is fully eligible for patent protection.

Precedent & Impact: This is India's most critical decision on software patentability. It modernized the enforcement of Computer-Related Inventions (CRIs), shifting the examination focus away from the presence of source code and toward the actual technical problem the digital architecture solves.

6. SHOGUN ORGANICS LTD. V. GAUR HARI GUCHHAIT & OTHERS

Citation: 2019 SCC OnLine Del 11613

PLAINTIFF	DEFENDANT
Shogun Organics Ltd.	**Gaur Hari Guchhait & Others**

Facts: Shogun Organics held a patent for an industrial process used to manufacture "D-trans Allethrin," a key chemical compound used in domestic mosquito repellent coils. The defendant challenged the patent, alleging it was invalid because its primary chemical structure had been described in historical research disclosures.

Issues: Does a prior public disclosure or data submission to a government regulatory body (such as the Central Insecticides Board) destroy the "novelty" of a process patent? Does a secret, non-commercialized process validation by an inventor prior to filing cancel the novelty of the eventual application?

Final Ruling: The Delhi High Court held that disclosures or data submitted to regulatory bodies under statutory obligations do not constitute public disclosure or "prior art" capable of defeating patent novelty. The court affirmed that an industrial process patent remains valid unless there is evidence of actual public commercial utilization before the priority date.

Precedent & Impact: This ruling provided massive legal security to the chemical and manufacturing process sectors in India. It clarified that strict regulatory data submissions or private testing tracks cannot be weaponized by generic competitors to strike down the validity of an active industrial process patent.