

**THE PATENTS ACT, 1970**  
**(AS AMENDED)**  
**SECTION 15**  
IN THE MATTER OF AN APPLICATION FOR PATENT,  
APPLICATION NO. **IN/PCT/2001/00018/MUM**

**ABBOTT LABORATORIES,**


a corporation organized and existing under the laws of USA,  
of 100 Abbott Park Road, Abbott Park, IL 60064-6050 USA.....**Applicant**

**ORDER**

An application for a patent bearing number **IN/PCT/2001/00018/MUM** was filed in Patent Office, Mumbai on 3<sup>rd</sup> January, 2001 entitled “**Polymorph of a Pharmaceutical**” which is the national phase application of PCT application (PCT/US1999/16334) dated 19<sup>th</sup> July, 1999. A request for examination under section 11-B was filed on 29<sup>th</sup> December 2005 and was assigned a Request No. 2657/RQ/2005. As per the provision under Section 11-A of Patents Act, the said application was published on 4<sup>th</sup> March, 2005.

The said application was examined under Section 12 and 13 of Patents Act and First Examination Report (henceforth referred to as FER) dated 11<sup>th</sup> October, 2006 containing a statement of objections including a statement informing that two pre-grant oppositions have been filed by M/s. Ranbaxy Laboratories Ltd. and Indian Network for People living with HIV/AIDS (INP+). The Applicant’s agent filed reply to oppositions and also response to FER on 9<sup>th</sup> October, 2007 vide their reference 14050(P-11). A further pre-grant opposition was filed on 22<sup>nd</sup> July 2008 by M/s. Cipla Ltd., and which has been forwarded to Applicant with O/L dated 29<sup>th</sup> October 2010. In response to the 3<sup>rd</sup> pre-grant opposition filed by M/s. Cipla Ltd., Mumbai, the Applicant’s agent vide their letter reference No. 14050 (P-11) dated 29<sup>th</sup> January, 2011 informed that “The Applicant hereby expressly abandons the application and requests that no further action be taken on this application”. So in view of the fact that the requirements of paragraphs 1 and 2 of FER are still outstanding and Applicant does not wish to proceed further, I hereby refuse to proceed further with the application no. **IN/PCT/2001/00018/MUM** entitled “**Polymorph of a Pharmaceutical**”.

Dated this 13<sup>th</sup> April, 2011



**(DR. RUCHI TIWARI)**

DY. CONTROLLER OF PATENTS AND DESIGNS

**Copy to:-**

ANAND AND ANAND, B-41, Nizamuddin East, New Delhi-110 013 [**Applicant’ agent**]