

G. NELL PHARMACEUTICAL
LABORATORIES, INC.,
Petitioner,

INTER PARTES CASE NO. 2003

PETITION FOR COMPULSARY
LICENSING

Letters Patent No. 8641
Issued : October 25, 1974
Patentee : Beecham Group p.l.c.
For : Method of Treatment of
Bacterial Infection by
Oral Administration of
6/ (-) -d-amino-p-
hydroxyphenyll-
acetamido/ -Penicilanic
Acid or a Pharma-
ceutically Acceptable
Salt Thereof

BEECHAM GROUP p.l.c.,
Respondent-Patentee.
x-----x

Decision No. 88-87
August 19, 1988

DECISION

Petitioner, C. Nell Pharmaceutical Laboratories, Inc., a domestic corporation with principal office at 60 17th Avenue, Cubao, Quezon City, filed on July 23, 1986 a Petition for Compulsory Licensing and prayed that it be granted a compulsory license under Letters Patent No. 8641 for. "Method of Treatment of Bacterial Infection by Oral Administration of 6/(-)-d-Amino-p-Hydroxyphenyllacetamid27-Penicilfanic Acid or a Pharmaceutically Acceptable Salt Thereof" issued on October 25, 1974 to Beecham Group p.l.c. with place of business at Beecham House, Brentford, Middlesex TWS 9 BD, England.

On August 7, 1986, Respondent-Patentee filed its Answer denying each and every allegation of the Petition and raised its affirmative defenses therein. Thereafter, the case was set, for pre-trial conference.

On June 4, 1987, Petitioner and Respondent-Patentee, through their respective counsels, filed a "Motion to Approve Compromise Agreement Covering Letters Patent 8641" which in part reads:

"3. That the parties have amicably settled their differences and have agreed to enter as they have entered into a compromise settlement, of the petition covering Letters Patent 8641;

4. That by way of compromise settlement the respondent-patentee has agreed, for reasons for public welfare to grant to petitioner, and the petitioner has likewise wise agreed to accept from the former, a compulsory license of the invention covered by Letters Patent 8641 under the terms and conditions more specifically stipulated between the parties as appearing in the attached signed agreement dated October 17, 1986 x x x.

WHEREFORE, it is respectfully prayed that this Honorable Office approve the attached compromise agreement, Annex 'A', and render judgment in accordance therewith."

Finding the above motion and the attached Compromise Agreement in order and not contrary to law, rule-8 and regulations, the same is APPROVED.

PREMISES CONSIDERED, this Bureau DISMISSES the herein Petition for Compulsory Licensing.

Let the records of this case be remanded to the Patent/Trademark Registry and EDP-Division for appropriate action in accordance with this Decision.

SO ORDERED.

IGNACIO S. SAPALO
Director