

PHARMATECHNICA LABORATORY, INC.,  
Petitioner,

INTER PARTES CASE NO. 2002

PETITION FOR COMPULSORY  
LICENSING

- versus

Application Serial No. 8641  
Issued : October 25, 1974  
Patentee : Beecham Group p.l.c.  
For : Method of treatment  
of bacterial Infection  
by oral Admin-  
istration of 6[(-)-  
oAmino-p-Hydroxy-  
phenyl-Acetamido]-  
Penicillanic Acid or a  
Pharmaceutically  
Acceptable Salt  
Thereof

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

x-----x

DECISION NO. 88-88(PAT.)  
August 19, 1988

DECISION

Pharmatechnica Laboratory, Inc., a domestic corporation with principal place of business at 5 Morquecillo Street, San Francisco del Monte, Quezon City, filed on July 23, 1986 a Petition for Compulsory Licensing praying that it be granted a compulsory license under Letters Patent No. 8641 for "Method of Treatment of Bacterial Infection by oral Administration of 6[(-)-oAmino-p-Hydroxy-phenyl-Acetamido] – Penicillanic 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 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 of public welfare to grant to petitioner, and the petitioner has likewise 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 September 30, 1986 x x x.

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

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

PREMISES CONSIDRED, 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