



<b>OEP PHILIPPINES, INC.,</b>	}	<b>IPC No. 11-2008-00048</b>
Petitioner,	}	Petition for Cancellation:
	}	Patent No. 1-1996-52993
	}	Date Issued: 05 May 2005
- versus -	}	
	}	Title: <b>Method of Treatment</b>
	}	<b>(Using Combination of</b>
<b>SMITHKLINE BEECHAM PLC,</b>	}	<b>Amoxicillin Trihydrate and</b>
Respondent-Patentee.	}	<b>Potassium Clavulanate)</b>
x-----x		Order No. 2012 - <u>65</u> (D)

### ORDER

OEP PHILIPPINES, INC. ("Petitioner") filed on 22 February 2008 a Verified Petition for Cancellation of Philippine Patent No. 1-1996-52993 for "Method of Treatment" issued on 05 May 2005 to SMITHKLINE BEECHAM PLC ("Respondent-Patentee"). The Petitioner seeks the cancellation of the subject patent registration on the following grounds:

1. that the claimed invention is not new or patentable;
2. that the specification does not disclose the invention in a manner sufficiently clear and complete for it to be carried out by any person skilled in the art; and
3. that the subject patent includes matters outside of the scope of the disclosure in the application as filed.

The records show, however, that in IPC No. 11-2006-00024<sup>1</sup>, which involves the subject patent registration, this Bureau already rendered a decision<sup>2</sup>, the dispositive portion of which provides, to wit:

"WHEREFORE, premises considered, the instant PETITION FOR CANCELLATION is hereby GRANTED. Accordingly, Letters Patent No. 1-1996-52993 filed on 30 April 1996 and issued on 5 May 2005 for "Method of Treatment" issued in the name of Smithkline Beecham PLC, respondent, is as it is hereby CANCELLED and is declared NULL and VOID."

The Respondent-Patentee appealed the above-quoted decision to the Office of the Director General and the same was dismissed in a decision dated 16 September 2010. Thus, on 02 June 2011, this Bureau issued an Entry of Judgment/Execution of Decision stating that Decision

<sup>1</sup> *Natrapharm, Inc. v. Smithkline Beecham PLC.*

<sup>2</sup> Decision No. 2007-61 dated 31 May 2007.

No. 2007-61 became final and executory on 07 October 2010 and is hereby recorded in this Bureau's Book of Entries of Judgments.

With the finality of the decision canceling the Respondent-Patentee's patent registration, there is no more actual controversy nor legal basis to proceed with this case.

**WHEREFORE**, premises considered, the instant petition for cancellation is hereby **DISMISSED**. Let a copy of this Order be forwarded to the Bureau of Patents for information and appropriate action.

SO ORDERED.

Taguig City, 05 March 2012.



**Atty. NATHANIEL S. AREVALO**  
Director IV  
Bureau of Legal Affairs