



Intellectual Property Attorneys

June 08, 2021

The Controller of Patent
The Patent Office
Boudhik Sampada Bhavan
Near Antop Hill Post Office
S.M. Road, Antop Hill
Mumbai-400037

Kind Attn: **Dr. Amarendra Samal**
Deputy Controller of Patents

Re: Filing of Compulsory license application by NATCO
Indian Patent No. 270765 (Application No. 1863/MUMNP/2010)

Respected Sir,

This is with reference to the compulsory license application filed by NATCO Pharma Ltd. (NATCO) on 04.05.2021 (CBR No. 23648) with the Controller of Patents, The Patent Office, Mumbai.

We are enclosing herewith on Form 30, copies of communication between the exclusive licensee, Eli Lilly and Company, and NATCO regarding the withdrawal of the said compulsory license application by NATCO, the applicant.

This is for the Ld. Controller's information and necessary action.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Amrish Tiwari', written over a horizontal line.

{AMRISH TIWARI}
Of K&S Partners
Attorney for the Patentee
IN/PA-1202

Enclosures:

FORM 30
Re: filing of Compulsory license application by NATCO
Indian Patent No. 270765 (Application No. 1863/MUMNP/2010)

We, INCYTE HOLDINGS CORPORATION, of 1801 Augustine Cut-Off, Wilmington, Delaware 19803, United States of America, the Patentee or ELI LILLY AND COMPANY, a corporation of the State of Indiana, United States of America, of Lilly Corporate Center, City of Indianapolis, State of Indiana 46285, United States of America, the exclusive licensee under Patent No. 270765 do hereby place on record the following:

1. That Natco Pharma Ltd. filed an application on Form 17 for Compulsory License under Section 92(1) read with Section 92(3) of The Patents Act, 1970 in respect of Indian Patent 270765 on 04.05.2021 (CBR No. 23648) with the Controller of Patents, The Patent Office, Mumbai.
2. Eli Lilly and Company, the exclusive licensee of IN 270765 has entered into a royalty-free, limited, voluntary license agreement with Natco Pharma Ltd. in respect of baricitinib, covered and claimed under IN 270765, for COVID-19 use within the territory of India on such terms and conditions mutually agreed upon by the parties.
3. In view of the same, vide email dated May 17, 2021 addressed to the Controller on behalf of Natco Pharma Ltd. (annexed herewith as **Annexure A**), it was communicated that Natco Pharma Ltd., the applicant, has formally withdrawn the application for Compulsory License in respect of IN 270765 on Form 17 since a voluntary license has been signed between the parties.
4. Further, vide a follow up email dated May 31, 2021 (annexed herewith as **Annexure B**), it was also communicated to the Controller to take on record both emails (of May 17, 2021 and May 31, 2021) in respect of withdrawal of the aforesaid Compulsory License application in respect of IN 270765 and to indicate the same on the IPAIRS website of the Indian Patent Office.
5. In view of the above, we request the Controller to take the said communications of 17th May 2021 and 31st May 2021 on record and pass necessary orders as they deem fit.

Dated this 08th day of June 2021.



(AMRISH TIWARI)
OF K&S PARTNERS
ATTORNEY FOR THE PATENTEE
IN/PA-1202

To,
The Controller of Patents
The Patent Office, Mumbai

Re: Withdrawal of Compulsory Licence Application under Section 92(1) read with Section 92(3) of The Patents Act, 1970 on IN 270765

Guruswamy Nataraj <guru@gnataraj.com>

Mon 17/05/2021 22:42

To: mumbai-patent@nic.in <mumbai-patent@nic.in>; cgoffice-mh@nic.in <cgoffice-mh@nic.in>

Cc: Inbound Mail <mail@gnataraj.com>; Pravin Anand <Pravin@anandandanand.com>; Archana Shanker <Archana@anandandanand.com>; Ridhie Bajaj <ridhie@anandandanand.com>; Prachi Agarwal <Prachi@anandandanand.com>

Dear Sirs

Re: Withdrawal of Compulsory Licence Application under Section 92(1) read with Section 92(3) of The Patents Act, 1970 on IN 270765

On instructions of our clients, Natco Pharma Ltd., of Hyderabad, we write to inform you as follows:

1. We had filed an application under Form 17 for Compulsory License under Sections 92(1) read with Section 92(3) of The Patents Act, 1970 in respect of Indian Patent 270765 on 04.05.2021. The CBR No. is No. 23648
2. Natco Pharma Ltd., the applicant for the Compulsory Licence and Eli Lilly & Co., who are the exclusive licensees on IN 270765 have signed a voluntary licence in respect of IN 270765

In view of point 2 above, we respectfully request leave to **withdraw our Application for Compulsory Licence on IN 270765** filed on 04.05.2021 under CBR No. 23648.

Yours sincerely,

Guru Nataraj
Advocate for Natco Pharma Ltd.
LAW CHAMBERS OF G.NATARAJ
914 Mahagun Maestro
Plot F 21/A, Sector 50
NOIDA 201307
Phone: 9811808373

Re: Withdrawal of Compulsory Licence Application under Section 92(1) read with Section 92(3) of The Patents Act, 1970 on IN 270765

Guruswamy Nataraj <guru@gnataraj.com>

Mon 31/05/2021 13:04

To: mumbai-patent@nic.in <mumbai-patent@nic.in>; cgooffice-mh@nic.in <cgooffice-mh@nic.in>

Cc: Inbound Mail <mail@gnataraj.com>; Pravin Anand <Pravin@anandandanand.com>; Archana Shanker <Archana@anandandanand.com>; Ridhie Bajaj <ridhie@anandandanand.com>; Prachi Agarwal <Prachi@anandandanand.com>

Dear Sirs

We write further to our email of 17 May 2021. This forms part of the trailing mail below.

You are requested to kindly enter this email on the records for IN 270765 - as stated therein Natco Pharma, the applicant for Compulsory Licence has formally withdrawn its application on Form 17 for Compulsory Licence since a voluntary licence has been signed between parties.

It is imperative that your offices take this email on record and indicate as such on the IPAIRS website of the IPO.

Thanking you in anticipation

Yours truly,

Guru Nataraj
Attorney for Natco Pharma Ltd.
LAW CHAMBERS OF G.NATARAJ
914 Mahagun Maestro
Plot F 21/A, Sector 50
NOIDA 201307
Phone: 9811808373

On Mon, May 17, 2021 at 10:41 PM Guruswamy Nataraj <guru@gnataraj.com> wrote:

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Yours sincerely,

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Advocate for Natco Pharma Ltd.
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Phone: 9811808373