The Patents Act, 1970 (As Amended in 2005)
(Section 25(1))

In the matter of application no. 201817014361 Filed on 16/04/2018

APPLICANT: M/S THE GLOBAL ALLIANCE FOR TB DRUG DEVELOPMENT INC.,

OPPONENT-1: Eldred Tellis and Ganesh Acharya

OPPONENT-2: THE DELHI NETWORK OF POSITIVE PEOPLE

DECISION

1. An application titled as "COMBINATION ANTIBACTERIAL COMPOSITION AND SHORT COURSE ANTIBACTERIAL REGIMEN" was filed on 16/04/2018 by M/S S. MAJUMDAR & CO. on behalf of applicant for grant of the patent. The request for examination was filed on 11/10/2018 (R20181030146). The said application was published in the patent office journal on 07/09/2018.The said application was examined according to the provisions in force of the Patents Act, 1970 (as amended) and First Examination Report was issued to the Applicant's Agent on 11/12/2019. The applicant filed reply to FER on 04/06/2020 with 1-6 amended set of claims.

2. A pre-grant opposition by way of representation was filed by Eldred Tellis and Ganesh Acharya under Section 25(1) of the Patents (Amendment) Act, 2005, through their agent Priyam Lizmary Cherian**,** on 24/07/2020. Another pre-grant opposition was filed by THE DELHI NETWORK OF POSITIVE PEOPLE, through their agent RAJESHWARI & ASSOCIATES, on 28/07/2020. In respect of the said pre-grant oppositions, the applicant filed reply statements on 07/04/2025.

3. After filing the reply statements to the pre-grant oppositions, and in view of the outstanding objections raised by the Examiner during the examination process, hearings under Section 25(1) of the Patents Act, 1970, in respect of both pre-grant oppositions were offered vide hearing notice dated 23/07/2026. However, the Opponent filed a request for adjournment under Rule 129A of the Patents Rules, 2003. Accordingly, fresh hearing notices in respect of both oppositions were issued on 18/09/2026, fixing the hearings for 15/10/2026. Subsequently, vide letter dated 12/10/2026, the Applicant's Agent informed that the Applicant would not be attending the hearings in respect of either of the pre-grant oppositions and requested that the matters be decided on merits based on the documents available on record.

4. The instant application has been opposed on the following grounds by opponent-1;

1. That the invention claimed in any and all claims of the complete specification was published before the priority date of the claim in India or elsewhere in any other document – Section 25(1)(b);
2. That the invention claimed in any and all claims of the complete specification is obvious and clearly does not involve any inventive step – Section 25(1)(e);

3. That the subject of any and all claims of the complete specification is not an invention within the meaning of this Act, or is not patentable under this Act –Section 25(1)(f);
4. That the complete specification does not sufficiently and clearly describe the invention or the method by which it is to be performed- Section 25(1)(g);
5. That applicants deliberately did not disclose to the Controller the information required by Section 8 or has furnished the information which in any material particular was false to their knowledge – Section 25(1)(h).

Cited Prior-art by Opponent-1:

Exhibit A- WO Publication number WO2004064846
Exhibit B- Copy of the Archive History for NCT02333799
Exhibit C- Copy of Nix-TB: Testing a New Potential Treatment for XDR-TB
Exhibit D- Bactericidal Activity of Pyrazinamide and Clofazimine Alone and in Combinations with Pretomanid and Bedaquiline, Andreas H. Diacon et al, Am J Respir Crit Care Med Vol 191, Iss 8, pp 943–953, Apr 15, 2015
Exhibit E- "Clinical Access to Bedaquiline Programme for the treatment of drug-resistant tuberculosis" S Afr Med J 2014;104(3):164-166
Exhibit F- Garcia-Prats AJ, et al., Linezolid for the treatment of drug-resistant tuberculosis in children: A review and recommendations, Tuberculosis (2013), http://dx.doi.org/10.1016/j.tube.2013.10.003

Grounds taken by Opponent-2

1. That the invention claimed in any and all claims of the complete specification was published before the priority date of the claim in India or elsewhere in any other document – Section 25(1)(b);
2. That the invention claimed in any and all claims of the complete specification was publicly known or publicly used in India before the priority date of the claim – Section 25(1)(d);
3. That the invention claimed in any and all claims of the complete specification is obvious and clearly does not involve any inventive step – Section 25(1)(e);
4. That the subject of any and all claims of the complete specification is not an invention within the meaning of this Act, or is not patentable under this Act – Section 25(1)(f);
5. That the complete specification does not sufficiently and clearly describe the invention or the method by which it is to be performed- Section 25(1)(g);
6. That applicants deliberately did not disclose to the Controller the information required by Section 8 or has furnished the information which in any material particular was false to their knowledge – Section 25(1)(h).

Cited Prior art by Opponent-2:

Annexure 2: Copy of NCT02333799 (D1)
Annexure 3: Copy of article Nix- TB (D2)
Annexure 4: Copy of US20110190199A1 (D3)
Annexure 5: Copy of article Linezolid for Treatment of Chronic Extensively Drug-Resistant Tuberculosis and table 4 appendix (D4)

5. In view of the representations filed by both the Opponents, the Applicant was given an opportunity of being heard and to present arguments in support of the patentability of the claimed invention. However, the agents for the applicant did not appear for hearing to justify their stand and informed that he will not be attending the hearings in respect of either of the pre-grant oppositions and requested that both matters be decided on merits based on the documents available on record (please refer to the document uploaded on 12/10/2026).The representations filed by both the Opponents allege that the claimed invention lacks novelty and inventive step, is not patentable under Sections 3(d), 3(e) and 3(i) of the Patents Act, 1970, and suffers from insufficiency of disclosure. On consideration of the representations filed by both the Opponents and the prior-art documents cited therein, a prima facie case was found to have been established in respect of the grounds raised. Accordingly, a decision dated 07/01/2025 was issued, wherein the grounds of opposition under Sections 25(1)(b), 25(1)(e), 25(1)(f) and 25(1)(g) of the Patents Act, 1970, were prima facie found to be valid. Accordingly, an opportunity of hearing was afforded to both the Opponents and the Applicant to present their arguments. Despite being afforded an opportunity to be heard, the Applicant chose not to appear or submit oral arguments in support of the patentability of the claimed invention. Upon consideration of the representations filed by both the Opponents, the documents on record, the cited prior art and the submissions available on record, the grounds of opposition under Sections 25(1)(b), 25(1)(e), 25(1)(f) and 25(1)(g) of the Patents Act, 1970, still stands and found valid.

In view of the foregoing, the instant patent application fails to satisfy the requirements of the Patents Act, 1970, and is therefore refused under Section 15 of the Act. Consequently, both pre-grant oppositions filed under Section 25(1) of the Patents Act, 1970, stand disposed of accordingly.

DATED: 27/10/2026

(Dr. Sunil Kumar Gautam)
DEPUTY CONTROLLER
OF PATENTS & DESIGNS,
PATENT OFFICE, NEW DELHI