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## The Andhra Journal of Industrial News

IP and Industry News

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### **Green Patents**

A one-year pilot program “**Green Technology Pilot Program**” came into effect on December 8, 2009, to promote the development and successful commercialization of certain environment-friendly categories of inventions, as defined by the United States Patent and Trademark Office (USPTO). The program allows qualifying "green" utility patent applications for prioritized examination ahead of other regular patent applications if a petition is granted to accord a "special" status to the applications. This process is separate and different from the "Accelerated Examination" process available to any new utility and design

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patent application, if certain procedural requirements are met. Encouraged by positive responses from patent applicants with green technology innovations, the USPTO has given a new lease on life of the program.

Qualifying inventions under the program potentially enhance the quality of the environment, or materially contribute to certain pre-specified "green" purposes such as energy conservation, development of renewable energy resources, or reduction of greenhouse gas emissions. The program was originally scheduled to end on December 8, 2010, or upon reaching 3,000 unexamined utility patent applications with properly filed petitions, whichever occurs earlier, as was announced in the Federal Register Notice (74 FR 64666). In addition, eligibility for the pilot program was originally restricted to patent applications filed before December 8, 2009. Details of the original program can be found in our previous advisory, "USPTO Introduces Accelerated Review Pilot Program for 'Green' Patent Applications," dated December 28, 2009.

Under this program, there are certain constraints such as early publication of the application, three or fewer independent claims and twenty or fewer total claims per application, and election of claims without traverse in a telephonic interview.

A recent report published by the European Patent Office shows that Japan has far surpassed the U.S. in the number of its clean energy technology patent filings.

#### **Plan for 2050**

According to a CITI Financial Services Group report, the following will be the 10 largest economies in the world in 2050:

1. India: \$85.97 trillion
2. China: \$80.02 trillion

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3. United States: \$39.07 trillion
4. Indonesia: \$13.93 trillion
5. Brazil: \$11.58 trillion
6. Nigeria: \$9.51 trillion
7. Russia: \$7.77 trillion
8. Mexico: \$6.57 trillion
9. Japan: \$6.48 trillion
10. Egypt: \$6.02 trillion.

The above prediction assumes many things to happen by 2050, such as better education for all and improvement in infrastructure in India. <http://www.rediff.com/business/slide-show/slide-show-1-budget-2011-why-india-will-be-the-number-1-economy-in-the-world-by-2050/20110224.htm>

### **Research in Singapore**

R&D in Singapore will get a government-funding boost. The country's National Research Fund will get an extra \$1 billion in its budget for the coming year. That's on top of a \$1.5 billion addition to the \$5 billion fund last year. The fund has backed cancer research, as well as R&D in other industries.

What's more, the government is aiming to increase the private sector's share of R&D funding. Finance Minister Tharman Shanmugaratnam said during a speech that Singapore would be allocating more funding to "[support] private-sector R&D activity and commercialization," the *Straits Times* reports.

The government is investing in R&D in hopes of developing a "broader base of innovative enterprises" in the Singapore economy, Shanmugaratnam said. It's hoping it can leverage public R&D funding into bigger research investments from the private sector, with a long-term goal of boosting research to 3.5 percent of GDP from its current 3 percent.

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#### Pharma R&D

According to the Tufts Center for the Study of Drug Development, developers are "aggressively changing" R&D methods as they pursue the next blockbuster, reports *in-PharmaTechnologist*.

A drugmaker can now expect to spend roughly \$1.3 billion on developing a new med, according to the story. And it's become "increasingly daunting" to create blockbuster drugs that yield yearly revenue of at least \$1 billion because of competition from generics and increasing R&D costs.

The solution, the Tufts researcher says, is to rely on translational science to help identify the right disease targets for new molecules and to share the risk with external partners.

#### Russia

AstraZeneca has become the latest drug firm to invest in Russian manufacturing capacity with the announcement of plans for a \$150m facility in the country's Kaluga region. The facility, located at the Vorsino industrial park, will undertake everything from formulation to packaging and, according to the Anglo-Swedish drugmaker, will produce 16 million packs a year for the local drug market.

AstraZeneca joins Big Pharma peer [GlaxoSmithKline](#) (GSK) and generic drugmaker Teva Pharmaceutical industries as the third major manufacturer to unveil a Russian investment in as many months. The wave of investment follows hot on the heels of the Russian government's [call](#) for drugmakers to expand production capacity in the country or risk facing what Prime Minister Vladimir Putin described as "restrictions." The Kaluga plant's focus on the Russian market was also stressed by regional governor Anatoliy Artamonov, who predicted "the new manufacturing facility will develop steadily to produce variety of affordable innovative GMP medicines for Russian patients. The facility, work on which is scheduled to begin next month, will produce drugs for cancer, cardiovascular disease, neurological

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disorders, respiratory conditions and infections and will employ a staff of 145 people when fully operations in Spring 2013.

#### **Smart Pill**

Smart pill is a tablet containing silicon and metal digestible [sensor](#) within the tablet, which is activated by stomach acid upon ingestion, is able to transmit data via wireless and Bluetooth connections to a patch worn by the patient, and from there, to a smartphone or a doctor's computer. [Novartis](#) is currently using the technology on an already-approved drug used to prevent organ rejection in [transplant](#) patients, but is looking at incorporating the sensor-based technology into other medications for which compliance is critical, such as cardiovascular and oncology drugs. The '[smart-pill](#)' platform will be transferrable to different drugs, and future 'smart-pill' variants will be able to collect more advanced data, such as a patient's heart rate, temperature and body movement, to ensure a drug is working effectively.

#### **Bayer Expands into India**

German drugmaker Bayer has set its sights on expanding in the Indian drug market with the formation of a new joint venture with Zydus Cadila. The new entity, to be named Bayer Zydus Pharma and headquartered in Mumbai, will market the firms' respective portfolios of drugs, with a particular focus on women's healthcare and diagnostics imaging technologies. Bayer, which will provide local marketing and sales capacity, will sell its Glucobay, Xarelto and Necavar franchises through the new unit while Zydus' efforts will focus on its Euglim, Progynova and Ultravist lines. The formation on the new unit, which will employ around 600 people, better positions Bayer to serve India's rapidly expanding market according to CEO Jorg Reinhardt.

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#### **Statutory Bar on Patent Protection**

First-to-invent countries, which include the United States and Canada, allow publication, public use and sale prior to filing for patent protection so long as the publication, use or sale did not happen more than one year before the filing date. Under 35 U.S.C. § 102(b) of the U.S. patent law, if an invention is publicly exposed more than one year before filing for patent protection, the inventor is forever barred from obtaining patent protection on that invention. Public exposure occurs in one of three ways: (1) a printed publication published anywhere in the world which describes the invention; (2) a public use of the invention in the U.S.; and (3) selling or offering to sell the invention in the U.S. Usually, it is the inventor's own printed publication, public use or sale that causes the problem. Under 35 U.S.C. § 102(a), if an invention was (1) known or used by others in the United States or (2) patented or described in a printed publication anywhere in the world by another before the applicant's invention date, then the inventor cannot obtain a patent on the invention.

In first-to-file countries, which include Brazil, China, members of the European Union, India, Japan, Korea and Russia, an invention is new if it does not form part of the state of the art, which includes everything made available to the public by means of a written or oral description, by use, or in any other way, before the date of filing of the patent application. In other words, the state of the art includes any publication, any public use, and any sale or offer for sale before the filing date of the patent application, regardless of who may have written the publication, engaged in the use, or offered the sale. There is no grace period.

#### **Epigenetics**

Epigenetics is the study of inherited changes driven by the differential expression of genes through mechanisms other than changes in the underlying DNA sequence. Cancer epigenetics is a rapidly emerging research area with the potential to help find pathbreaking treatments for patients by modifying DNA and chromatin, both of which play a role in tumor development.

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[EpiTherapeutics](#) and [Abbott](#) announced a three-year collaboration agreement in late December to develop new anti-cancer drugs by making small-molecule inhibitors against carefully chosen epigenetic oncology targets.

#### **Pfizer to Enter Insulin Market in India**

The biotechnology company that Kiran Mazumdar-Shaw started in her garage in [1978](#) for about \$1,200 is [Asia](#)'s biggest insulin maker, with a market value of about \$1.35 billion. The Bangalore, India-based group signed a deal in October to supply Pfizer with four generic insulin products in emerging markets, including India and [Brazil](#), and then the U.S. and other developed nations.

Biocon received \$200 million upfront from New York-based Pfizer, which is re-entering the \$14 billion global insulin market almost four years after it scrapped its Exubera inhaler. [India](#)'s biggest drug-supply deal will help meet global demand forecast by market researcher RNCOS to expand 20 percent a year through 2015 as the number of diabetics tops [285 million](#). Pfizer likely will start selling Biocon's insulin under its own brand in the second half of this year, according to the U.S. company.

#### **Daiichi in India**

Daiichi Sankyo, Japan's third-largest drug maker, has transferred six of its early drug discovery programs in inflammatory and infectious diseases from its Japanese research & development (R&D) facilities to India. The move, part of a global reorganization, will see Daiichi Sankyo Life Science Research Centre in India (RCI) become one the company's four worldwide R&D hubs. RCI will be responsible for identifying potential drug molecules in these two therapeutic segments. RCI came into existence in July last year after Daiichi transferred the new drug research team of India's largest drug maker Ranbaxy Laboratories into the new entity. While Daiichi owns 63 per cent stake in Ranbaxy, RCI is a wholly-

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owned subsidiary. The transition from Ranbaxy to Daiichi has not seen an increase in the number of scientists or number of research programs at RCI.

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*Source: The primary sources cited above, New York Times (NYT), Washington Post (WP), Mercury News, Bayarea.com, Chicago Tribune, USA Today, Intellihealthnews, Deccan Chronicle (DC), the Hindu, Hindustan Times, Times of India, AP, Reuters, AFP, womenfitness.net, about.com, mondaq.com, etc.*

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**Om! Asatoma Sadgamaya, Tamasoma Jyotirgamaya, Mrityorma Amritamgamaya, Om Shantih, Shantih, Shantih!**

**(Aum! Lead the world from wrong path to the right path, from ignorance to knowledge, from mortality to immortality, and peace!)**

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