

## Court Report

By Sherry Oslick -- February 19, 2012



*About Court Report: Each week we will report briefly on recently filed biotech and pharma cases.*

### ***Merck & Cie et al. v. Watson Pharmaceuticals, Inc. et al.***

2:12-cv-00223; filed February 13, 2012 in the District Court of Nevada

- Plaintiffs: Merck & Cie; Bayer Pharma AG; Bayer Healthcare Pharmaceuticals Inc.
- Defendants: Watson Pharmaceuticals, Inc.; Watson Laboratories Inc.

### ***Merck & Cie et al. v. Watson Pharmaceuticals Inc. et al.***

1:12-cv-00161; filed February 10, 2012 in the District Court of Delaware

- Plaintiffs: Merck & Cie; Bayer Pharma AG; Bayer HealthCare Pharmaceuticals Inc.
- Defendants: Watson Pharmaceuticals Inc.; Watson Laboratories Inc.

The complaints in these cases are substantially identical. Infringement of U.S. Patent No. [6,441,168](#) ("Stable Crystalline Salts of 5-methyltetrahydrofolic Acid," issued August 27, 2002) following a Paragraph IV certification as part of Watson's filing of an ANDA to manufacture a generic version of Merck's Beyaz® (drospirenone, 17 $\alpha$ -ethinyl estradiol, and levomefolate calcium, used for oral contraception). View the Delaware complaint [here](#).

### ***Senju Pharmaceutical Co. Ltd. et al. v. Apotex Inc. et al.***

1:12-cv-00159; filed February 10, 2012 in the District Court of Delaware

- Plaintiffs: Senju Pharmaceutical Co. Ltd.; Kyorin Pharmaceutical Co. Ltd.; Allergan Inc.
- Defendants: Apotex Inc.; Apotex Corp.

Infringement of U.S. Patent Nos. [6,333,045](#) ("Aqueous Liquid Pharmaceutical Composition Comprised of Gatifloxacin," issued December 25, 2001) and [5,880,283](#) ("8-Alkoxyquinolonecarboxylic Acid Hydrate With Excellent Stability and Process for Producing the Same," issued March 9, 1999) following a Paragraph IV certification as part of Apotex's filing of an ANDA to manufacture a generic version of Allergan's Zymaxid® (gatifloxacin ophthalmic solution, used to treat bacterial conjunctivitis). View the complaint [here](#).

### ***Panagene, Inc. v. Bio-Synthesis, Inc.***

2:12-cv-00067; filed February 10, 2012 in the Eastern District of Texas

Infringement of U.S. Patent Nos. [6,395,474](#) ("Peptide Nucleic Acids," was issued May 28, 2002) and 7,378,485 ("Peptide Nucleic Acids with Polyamide-Containing Backbones," issued May 27, 2008) based on Biosyn's manufacture, use, and sale of Peptide Nucleic Acid compounds. View the complaint [here](#).

"Patent Docs" does not contain any legal advice whatsoever. This weblog is for informational purposes only, and its publication does not create an attorney-client relationship. In addition, nothing on "Patent Docs" constitutes a solicitation for business. This weblog is intended primarily for other attorneys. Moreover, "Patent Docs" is the personal weblog of the Authors; it is not edited by the Authors' employers or clients and, as such, no part of this weblog may be so attributed. All posts on "Patent Docs" should be double-checked for their accuracy and current applicability.