

Novartis Wins Validity Challenge in Famvir Patent Infringement Suit

Newark, NJ

November 18, 2009

Jury finds that the claimed invention was not obvious and the patent enforceable

On November 18, 2009, a jury in the United States District Court for the District of New Jersey returned a verdict in favor of Novartis in its infringement suit against Teva Pharmaceuticals.

In 2005, Teva filed an abbreviated New Drug Application with the FDA requesting approval to manufacture, market, and sell a generic version of Novartis' drug Famvir ("famciclovir"), a prescription antiviral drug for the treatment of herpes. Teva Pharmaceuticals launched the generic famciclovir tablets in September 2007 in the United States. Shortly thereafter, Novartis sued Teva Pharmaceuticals for infringement of U.S. Patent No. 5,246,937, which covers famciclovir. Teva Pharmaceuticals conceded infringement but claimed that Novartis' patent was invalid as obvious and unenforceable due to inequitable conduct before the U.S. Patent and Trademark Office.

The jury found that the claimed invention was not obvious and acting in an advisory committee that the patent was enforceable. In February 2010 Teva Pharmaceuticals signed an agreement to settle the patent lawsuit over Teva's generic version of the Novartis-developed antiviral medication Famvir. Under terms of the settlement, Teva Pharmaceuticals will make a one-time payment to Novartis as well as ongoing royalty fees on U.S. sales of generic Famvir.

LitStrat, Inc provided strategic consultation, witness preparation, and shadow jury services to the Novartis trial team lead by Evan R. Chesler and David R. Marriot of Cravath, Swaine, and Moore LLP and Robert L. Baechtold of Fitzpatrick, Cella, Harper and Scinto.



- Strategic Research
- Witness Preparation

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