

## Court Report

By [Sherri Oslick](#) -- February 05, 2012

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



### ***Abbott Laboratories et al. v. Sandoz Inc.***

1:12-cv-00103; filed January 30, 2012 in the District Court of Delaware

- Plaintiffs: Abbott Laboratories; Abbott Respiratory LLC
- Defendant: Sandoz Inc.

Infringement of U.S. Patent Nos. [6,080,428](#) ("Nicotinic Acid Compositions for Treating Hyperlipidemia and Related Methods Therefor," issued June 27, 2000) and [6,469,035](#) ("Methods of Pretreating Hyperlipidemic Individuals with a Flush Inhibiting Agent Prior to the Start of Single Daily Dose Nicotinic Acid Therapy to Reduce Flushing Provoked by Nicotinic Acid," issued October 22, 2002) following a Paragraph IV certification as part of Sandoz's filing of an amended ANDA to manufacture a generic version of Abbott's Simcor® (niacin extended release / simvastatin tablets, used to treat hypercholesterolemia). View the complaint [here](#).

### ***Enzo Life Sciences Inc. v. Gen-Probe Inc.***

1:12-cv-00104; filed January 30, 2012 in the District Court of Delaware

### ***Enzo Life Sciences Inc. v. Life Technologies Corp.***

1:12-cv-00105; filed January 30, 2012 in the District Court of Delaware

### ***Enzo Life Sciences Inc. v. Roche Molecular Systems Inc. et al.***

1:12-cv-00106; filed January 30, 2012 in the District Court of Delaware

- Plaintiff: Enzo Life Sciences Inc.
- Defendants: Roche Molecular Systems Inc.; Roche Diagnostics Corp.; Roche Diagnostics Operations Inc.

The complaints in these cases are substantially identical. Infringement of U.S. Patent No. [6,922,180](#) ("Oligo- Or Polynucleotides Comprising Phosphate-Moiety Labeled Nucleotides," issued January 31, 2006) based on defendants' manufacture and sale of certain nucleic acid probe products. View the *Gen-Probe* complaint [here](#).

### ***Bayer Healthcare LLC v. Pfizer Inc.***

1:12-cv-00630; filed January 30, 2012 in the Northern District of Illinois

Infringement of U.S. Patent No. [5,756,506](#) ("Single High Dose Fluoroquinolone Treatment" issued May 26, 1998) based on Pfizer's planned launch of ADVOCIN™ (single high dose fluoroquinolone, used to treat bovine respiratory disease). View the complaint [here](#).

***Takeda Pharmaceutical Co., Ltd. et al v. Sandoz, Inc.***

5:12-cv-00446; filed January 27, 2012 in the Northern District of California

- Plaintiffs: Takeda Pharmaceutical Co., Ltd.; Takeda Pharmaceuticals U.S.A., Inc.; Takeda Pharmaceuticals LLC; Takeda Pharmaceuticals America, Inc.
- Defendant: Sandoz, Inc.

Infringement of U.S. Patent Nos. [6,462,058](#) ("Benzimidazole Compound Crystal," issued October 8, 2002), [6,664,276](#) (same title, issued December 16, 2003), [6,939,971](#) (same title, issued September 6, 2005), [7,285,668](#) ("Process for the Crystallization of (R)- or (S)-Lansoprazole," issued October 23, 2007), and [7,790,755](#) ("Controlled Release Preparation," issued September 7, 2010) following a Paragraph IV certification as part of Sandoz's filing of an ANDA to manufacture a generic version of Takeda's Dexilant® (dexlansoprazole, used for the treatment of all grades of erosive esophagitis, maintaining healing of esophagitis, and treating heartburn associated with symptomatic non-erosive gastroesophageal reflux disease). View the complaint [here](#).

***Allergan, Inc. v. Hi-Tech Pharmacal Co.***

6:12-cv-00043; filed January 27, 2012 in the Eastern District of Texas

Infringement of U.S. Patent No. [7,851,504](#) ("Enhanced Bimatoprost Ophthalmic Solution," issued December 14, 2010) following a Paragraph IV certification as part of Hi-Tech's filing of an ANDA to manufacture a generic version of Allergan's Lumigan® (0.01% bimatoprost ophthalmic solution, used to treat lower intraocular eye pressure in people with open-angle glaucoma or ocular hypertension). View the complaint [here](#).

***Exelixis, Inc. v. Kappos***

1:12-cv-00096; filed January 27, 2012 in the Eastern District of Virginia

Review and correction of the patent term adjustment calculation made by the U.S. Patent and Trademark Office for U.S. Patent No. [7,989,622](#) ("Phosphatidylinositol 3-kinase Inhibitors and Methods of Their Use," issued August 2, 2011). View the complaint [here](#).

***Valeant International (Barbados) SRL et al. v. Spear Pharmaceuticals, Inc.***

2:12-cv-00043; filed January 26, 2012 in the Middle District of Florida

- Plaintiffs: Valeant International (Barbados) SRL; A.P. Pharma, Inc.
- Defendant: Spear Pharmaceuticals, Inc.

Infringement of U.S. Patent No. [6,670,335](#) ("Fluorouracil-Containing Formulation," issued December 30, 2003) following a Paragraph IV certification as part of Spear's filing of an ANDA to manufacture a generic version of Valeant's Carac® (fluorouracil 0.5% cream, used to treat multiple actinic or solar keratoses of the face and anterior scalp). View the complaint [here](#).

***Astrazeneca AB et al. v. Torrent Pharmaceuticals Ltd. et al.***

3:12-cv-00506; filed January 26, 2012 in the District Court of New Jersey

- Plaintiffs: Astrazeneca AB; Aktiebolaget Hassle; Astrazeneca LP; KBI Inc.; KBI-E Inc.
- Defendants: Torrent Pharmaceuticals Ltd.; Torrent Pharma Inc.

Infringement of U.S. Patent Nos. [5,714,504](#) ("Compositions," issued February 3, 1988), [5,877,192](#) ("Method for the Treatment of Gastric Acid-Related Diseases and Production of Medication Using (-)Enantiomer of Omeprazole," issued March 2, 1999), and [6,875,872](#) ("Compounds," issued April 5, 2005), following a Paragraph IV certification as part of Torrent's filing of an ANDA to manufacture a generic version of AstraZeneca's Nexium® (esomeprazole magnesium, used for the treatment of gastroesophageal reflux disease). View the complaint [here](#).

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