

## Court Report

By [Sherri Oslick](#) -- March 04, 2012



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

### ***Cephalon Inc. v. Mylan Pharmaceuticals Inc. et al.***

1:12-cv-00247; filed February 29, 2012 in the District Court of Delaware

- Plaintiff: Cephalon Inc.
- Defendants: Mylan Pharmaceuticals Inc.; Mylan Inc.

### ***Cephalon Inc. v. Sandoz Inc.***

1:12-cv-00248; filed February 29, 2012 in the District Court of Delaware

The complaints in these cases are substantially identical. Infringement of U.S. Patent No. [8,119,158](#) ("Effervescent Oral Fentanyl Dosage Form and Methods of Administering Fentanyl," issued February 21, 2012) in conjunction with Mylan's prior filing of an ANDA to manufacture a generic version of Cephalon's Fentora® (fentanyl citrate buccal tablets, used to treat breakthrough pain in adult patients with cancer). View the *Mylan* complaint [here](#).

### ***Precision BioSciences, Inc. v. Cellectis SA et al.***

5:12-cv-00096; filed February 28, 2012 in the Eastern District Court of North Carolina

- Plaintiff: Precision BioSciences, Inc.
- Defendants: Cellectis SA; Cellectis Bioresearch; Cellectis Bioresearch Inc.

Infringement of U.S. Patent No. [8,124,369](#) ("Method of Cleaving DNA with Rationally Designed Meganucleases," issued February 28, 2012) based on Cellectis' manufacture, use, and sale of certain products, including meganucleases targeting the HPRT gene in Chinese Hamster Ovary cells, meganucleases targeting the GS gene in Chinese Hamster Ovary cells, and meganucleases targeting the HIV1 genome. View the complaint [here](#).

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

1:12-cv-00234; filed February 27, 2012 in the District Court of Delaware

- Plaintiffs: Abbott Laboratories; Wisconsin Alumni Research Foundation
- Defendant: Hospira Inc.

Infringement of U.S. Patent No. [5,597,815](#) ("Prevention of Hyperphosphatemia in Kidney Disorder Patients," issued January 28, 1997) based on Hospira's filing of an NDA (under § 505(b)(2) of the Food, Drug and Cosmetic Act) to manufacture a generic version of Abbott's Zemplar® (paricalcitol, used to treat secondary hyperparathyroidism in patients with kidney failure). View the complaint [here](#).

***Abbott Laboratories et al. v. Amneal Pharmaceuticals LLC et al.***

1:12-cv-00235; filed February 27, 2012 in the District Court of Delaware

- Plaintiffs: Abbott Laboratories; Abbott Respiratory LLC
- Defendants: Amneal Pharmaceuticals LLC; Amneal Pharmaceuticals Co. India Pvt. Ltd.

Infringement of U.S. Patent No. 6,080,428 ("Nicotinic Acid Compositions for Treating Hyperlipidemia and Related Methods Therefor," issued June 27, 2000) following a Paragraph IV certification as part of Amneal's filing of an ANDA to manufacture a generic version of Abbott's Niaspan® (niacin extended-release tablets, used to treat hypercholesterolemia). View the complaint [here](#).

***Nautilus Neurosciences, Inc. et al. v. Wockhardt USA LLC et al.***

2:12-cv-01243; filed February 27, 2012 in the District Court of New Jersey

- Plaintiffs: Nautilus Neurosciences, Inc.; APR Applied Pharma Research SA
- Defendants: Wockhardt USA LLC; Wockhardt Ltd.; Edict Pharmaceuticals PVT. Ltd.

Infringement of U.S. Patent No. 8,097,651 ("Diclofenac Formulations and Methods of Use," issued January 17, 2012) in conjunction with Wockhardt's prior filing of an ANDA to manufacture a generic version of Nautilus' Cambia® (diclofenac potassium, used for the acute treatment of migraine attacks). View the complaint [here](#).

***Verinata Health, Inc. et al. v. Sequenom, Inc. et al.***

4:12-cv-00865; filed February 22, 2012 in the Northern District of California

- Plaintiffs: Verinata Health, Inc.; The Board of Trustees of the Leland Stanford Junior University
- Defendants: Sequenom, Inc.; Sequenom Center for Molecular Medicine, LLC

Declaratory judgment of non-infringement and invalidity of U.S. Patent No. 6,258,540 ("Non-invasive Prenatal Diagnosis," issued July 10, 2001) based on Verinata's test to analyze cell-free DNA circulating in the blood of a pregnant woman by DNA sequencing in order to determine whether a fetus is at risk of having an abnormal number of chromosomes. Also, infringement of U.S. Patent Nos. 8,008,018 ("Determination of Fetal Aneuploidies by Massively Parallel DNA Sequencing," issued August 30, 2011) and 7,888,017 ("Non-invasive Fetal Genetic Screening by Digital Analysis," issued February 15, 2011) based on Sequenom's offered commercial test MaterniT21, a non-invasive prenatal test for Down syndrome. View the complaint [here](#).

Posted in [Court Report](#)

"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.