

Court denies Lilly's request in 2 patents litigation case of Gemzar

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Jerusalem

Teva Pharmaceutical Industries Ltd announced that the US District Court for the Southern District of Indiana issued a decision on two patents for Gemzar (gemcitabine); the compound patent expiring on November 15, 2010, and a method of use patent expiring on May 7, 2013. As to the method of use patent, the Court denied Lilly's request for an injunction on the grounds that the Eastern District of Michigan had previously found that patent invalid. Lilly has appealed that decision and oral argument is scheduled for May 7, 2010.

Teva believes it is first-to-file on that patent and thus will be able to launch a generic version of Gemzar with 180-days Hatch Waxman exclusivity when the compound patent (which the Court found valid) expires or is held invalid on appeal.