

Allergan wins brimonidine patent infringement case against Exela PharmSci & Apotex

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Irvine, California

Allergan, Inc announced that the United States District Court for the District of Delaware ruled in favour of Allergan, Inc in its patent infringement suit against Exela PharmSci, Inc, Exela PharmSci Pvt, Ltd, Apotex, Inc and Apotex Corp (collectively, the 'Defendants') for seeking to market purported generic versions of Allergan's drugs Alphagan P (brimonidine tartrate ophthalmic solution) 0.1% and 0.15%. Specifically, after a trial in March of 2009, the Court ruled that all five patents (US Patent Nos. 6,627,210; 6,641,834; 6,673,337; 6,562,873; and 5,424,078) asserted by Allergan are valid and enforceable, that Apotex's proposed generic versions of Alphagan P 0.1% and 0.15% infringe each of the five patents, and that Exela's proposed generic version of Alphagan P 0.15% infringes US Patent No. 6,641,834, which was the only patent asserted against it. Pursuant to the Hatch-Waxman Act, the United States Food and Drug Administration is required to delay approval of Defendants' proposed generic products until the last to expire of the infringed patents, which is 2022.

"Innovation in medicine has improved lives, reduced suffering and advanced the quality of patient care, and our intellectual property embodies our commitment to and investment in medical innovation," said Douglas S Ingram, Allergan's executive vice president, chief administrative officer and secretary. "It is only through a respect for intellectual property rights that the cost, time and risk of failure associated with new innovations is justified. Accordingly, this case is a victory not merely for Allergan but for the research and development process that brings new treatment choices to the medical community."

Alphagan P 0.1% and 0.15% are indicated for lowering elevated intraocular pressure in patients with open-angle glaucoma and ocular hypertension.

Founded in 1950, Allergan, Inc., with headquarters in Irvine, California, is a multi-specialty health care company that discovers, develops and commercializes innovative pharmaceuticals, biologics and medical devices that enable people to live life to its greatest potential - to see more clearly, move more freely, express themselves more fully.