

Supreme Court Won't Review Vanda's IP Obviousness Appeal

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Cozen O'Connor successfully represented Apotex Inc. in a patent dispute with Vanda Pharmaceuticals, Inc. over the sleep disorder drug Hetlioz. The U.S. Supreme Court declined to review Vanda Pharmaceuticals Inc.'s appeal regarding the Federal Circuit's application of the "reasonable expectation of success" test in determining patent validity based on obviousness, ending Vanda's attempt to reinstate patents for Hetlioz. Vanda argued that the Federal Circuit's approach diverged from the Supreme Court's precedent emphasizing "predictable results," but the justices turned down the case without further explanation. This decision follows lower court rulings invalidating Vanda's patents, contested in a lawsuit against Teva Pharmaceuticals USA Inc. and Apotex Inc. Despite support from various drugmakers and patient advocacy groups, the Supreme Court's decision not to review the case stands, leaving Vanda's patents invalidated. Cozen O'Connor's appellate team included Blake Coblenz and Aaron Lukas.

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