



Client:  
Kyowa Kirin Inc.



## PROTECTING YOUR PATENT

Cozen O'Connor's seasoned team of patent litigators secured a major victory, protecting Kyowa Kirin Inc.'s patent rights and exclusivity for Sancuso®, an adhesive patch that administers granisetron via groundbreaking transdermal technology and is used to prevent nausea and vomiting in patients receiving chemotherapy.

In early 2016, Kyowa Kirin, a specialty pharmaceutical company based in New Jersey, filed suit against a division of Teva Pharmaceuticals in U.S. District Court for the Eastern District of Texas, alleging that Teva's generic version of Sancuso® would infringe its patent that expires in 2025. Teva responded with assertions that its generic product did not infringe and that Kyowa Kirin's patent was invalid and unenforceable.

After a five-day bench trial in early 2018, the court ruled in September that Teva's product would literally infringe Kyowa Kirin's patent, and that the patent was valid and enforceable. The 160-page decision addressed the full range of Teva's claims, finding for Kyowa Kirin on every key point.

Teva appealed the ruling to the U.S. Court of Appeals for the Federal Circuit. The appellate panel entered judgment against Teva under Rule 36, affirming the district court's findings without an opinion. The Cozen O'Connor IP Team has been representing Kyowa Kirin since 2011, and this is our second patent litigation victory on their behalf. The patent that covers Sancuso® expires in January 2025

### CASE STUDIES INDEX

#### ATTORNEYS

Coblentz, W. Blake

Golob, Barry P.

Lukas, Aaron

McTigue, Kerry B.

Schaubert, Keri L.

#### CAPABILITIES

Appellate & Supreme Court

Hatch-Waxman & Biologics

Intellectual Property

Patents