

Axinn Wins Summary Judgment on Behalf of Mutual Pharmaceutical Company

A decorative graphic on the right side of the page features a grid pattern that curves and flows downwards, transitioning from a light blue background to a grey grid.

NEWS | 1 MIN READ

March 4, 2010

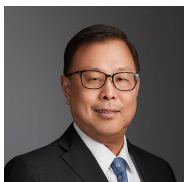
On May 4th, 2010, the U.S. District Court for New Jersey granted Mutual Pharmaceutical's motion for summary judgment in a patent dispute with Tyco Healthcare Group over the sleep-aid drug Temazepam, according to Axinn, lead counsel for Mutual.

Tyco's patent claimed low dose temazepam capsules for the treatment of insomnia. Mutual demonstrated that the use of low dose temazepam capsules were a well-known and recognized treatment for insomnia. Based on evidence presented by Mutual, the Court found that "the problem of finding a treatment of insomnia with minimal adverse effects was a known problem at the time of the invention. The solution – use of 7.5mg dose of temazepam – was not merely an obvious solution at the time of invention; as the [prior art] shows, it was a known solution."

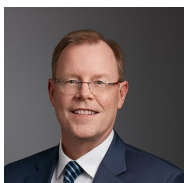
Mutual obtained FDA approval for its generic version of Tyco's 7.5 mg temazepam capsule in September 2009. With the court's refusal to enjoin Mutual's launch in August 2009 and the invalidation of Tyco's patent, Mutual's way has been cleared to continue production of its generic drug without having to pay Tyco any damages for patent infringement.

A copy of the court's opinion can be found here:

Related People



Jason Murata



Thomas K. Hedemann

Related Services

Intellectual Property

To subscribe to our publications, [click here](#).

Attachments

↓ 153_5-4-2010 OBVIOUSNESS ORDER

Featured Insights

- American Bar Association 2025 Asia-Pacific Conference
SPEAKING ENGAGEMENT ANTITRUST
- NBA Commercial Law Section 38th Annual Corporate Counsel Conference
SPONSORSHIP ANTITRUST
- GCR Live: Law Leaders Global 2025
SPEAKING ENGAGEMENT ANTITRUST

- The 32nd Annual Marketing Partner Forum
EVENT
- SABA North America Corporate Counsel Retreat 2025
SPONSORSHIP ANTITRUST
- Axinn Antitrust Insight: FTC Announces Revised HSR Thresholds for 2025
CLIENT ALERTS ANTITRUST
- Four Axinn Thought Leadership Pieces Nominated for the Antitrust Writing Awards
AWARDS & RECOGNITIONS ANTITRUST
- Merger Remedies Back in Vogue Under Trump
MEDIA MENTIONS ANTITRUST
- Three Takeaways from the Initial Determination at the ITC Regarding Standard Essential Patents in the 1380 Investigation
AXINN VIEWPOINTS INTELLECTUAL PROPERTY
- A POSA's Motivation Is Not Required To Be the Same as the Inventor's in Evaluating Obviousness
AXINN VIEWPOINTS INTELLECTUAL PROPERTY