

Axinn Successfully Obtains Dismissal of Certain Patent Claims asserted against Zydus Pharmaceuticals in Boehringer Ingelheim Pharmaceuticals, Inc. v. HEC Pharma Co., Ltd.

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A team of Axinn attorneys successfully obtained a dismissal of certain patent claims brought by Boehringer Ingelheim Pharmaceuticals against several defendants, including Axinn client Zydus Pharmaceuticals. On December 7, the United States District Court for the District of New Jersey granted the Defendants' joint motion to dismiss the claims of patent infringement relating to U.S. Patent No. 8,853,156, which is alleged by Boehringer to cover its antidiabetic drug Tradjenta (linagliptin).

At issue in the matter was whether claims that recite a method of treating metabolic diseases by administering DPP-IV inhibitors to certain patients are patent eligible under 35 U.S.C. § 101. The Defendants challenged the asserted certain of the '156 patent on grounds that they recite a natural law and are therefore patent ineligible. The plaintiffs argued that the claims were patent eligible because they recite treating specific populations using non-natural compounds and alter the state of the body in a new and useful way.

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