

# Axinn Leads Alvogen to Victory in Hatch-Waxman Case for Generic Zohydro<sup>®</sup>

A decorative graphic on the right side of the page features a light blue and white grid pattern that curves and flows downwards, resembling a stylized ribbon or a modern architectural element.

NEWS | 1 MIN READ

August 27, 2018

Axinn is pleased to announce that the United States District Court for the District of Delaware granted judgment to Alvogen Malta Operations, Ltd. (“Alvogen”) over patents related to Pernix Ireland Pain DAC and Pernix Therapeutics, LLC’s (“Pernix”) hydrocodone extended-release capsules, Zohydro<sup>®</sup>. Axinn was the lead trial counsel for Alvogen in the Hatch-Waxman Act case.

Pernix sued Alvogen for patent infringement over U.S. Patent Nos. 9,265,760 and 9,339,499, both of which are entitled, “Treating Pain in Patients with Hepatic Impairment,” under 35 U.S.C. § 271(e)(2). The case involved numerous, intricate legal issues that were presented in a three-day bench trial presided over by Judge William Bryson from the Federal Circuit Court of Appeals, who sat on the case by designation.

The Court found that the patent claims asserted by Pernix were invalid as obvious under 35 U.S.C. § 103, and for failure to satisfy the written description requirement of 35 U.S.C. § 112(a). The decision removes Pernix’s patents as a barrier to Alvogen bringing its lower-cost generic product to market more than a decade before the patents are set to expire.

The Axinn team was led by partners Matt Becker and Ted Mathias, with Thomas Hedemann.

The final judgment was filed August 24, 2018.

Press coverage:

- [Bloomberg Law](#)
- [Bloomberg Big Law Business](#)
- [Law360](#)

## Related People

---

Matthew J. Becker  
Ted Mathias  
Thomas K. Hedemann

## Related Services

---

Intellectual Property

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

## 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**

**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**

© 2025 Axinn, Veltrop & Harkrider LLP. All Rights Reserved