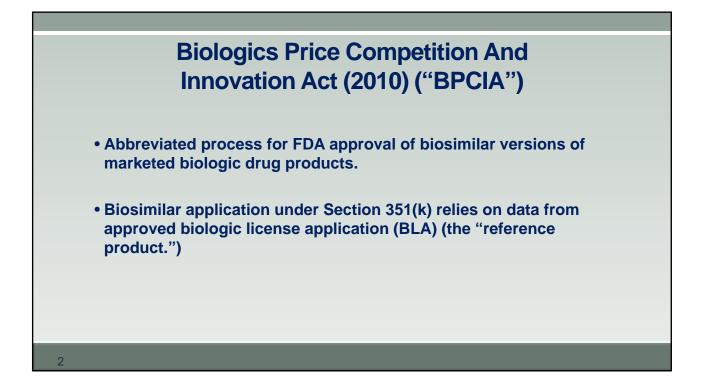
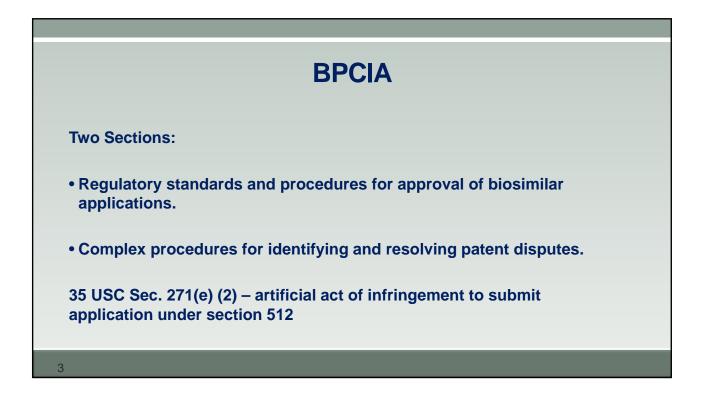


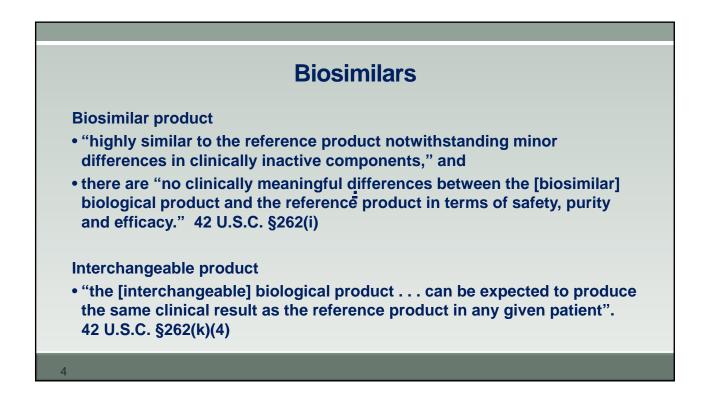
NYSBA Food, Drug & Cosmetic Law Section Annual Meeting January 25, 2018

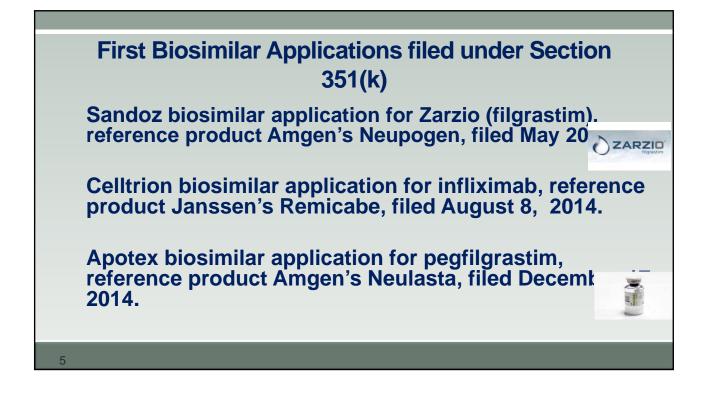
> Janet B. Linn Eaton & Van Winkle

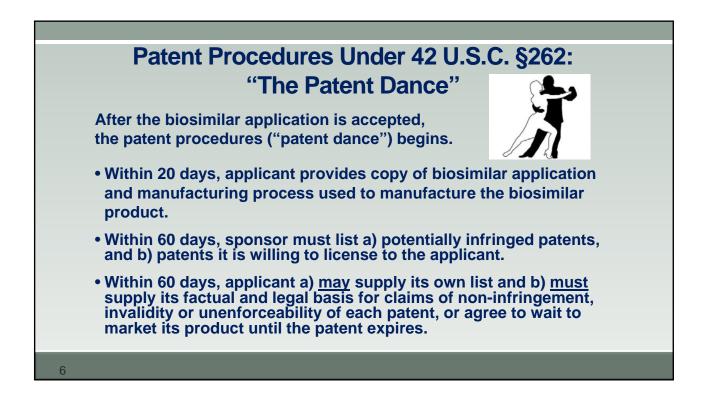


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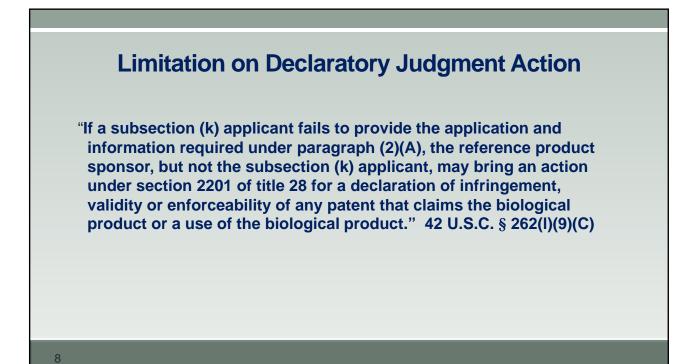






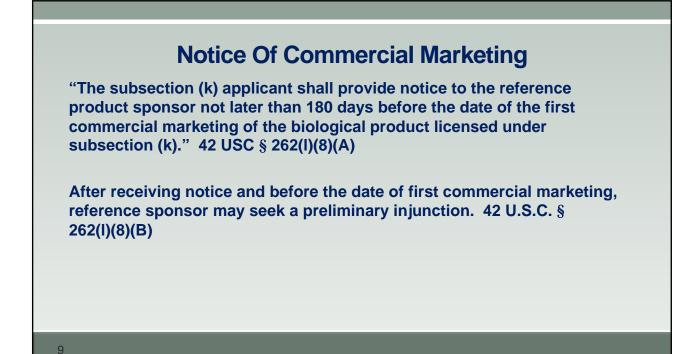
The Patent Dance (Cont'd)

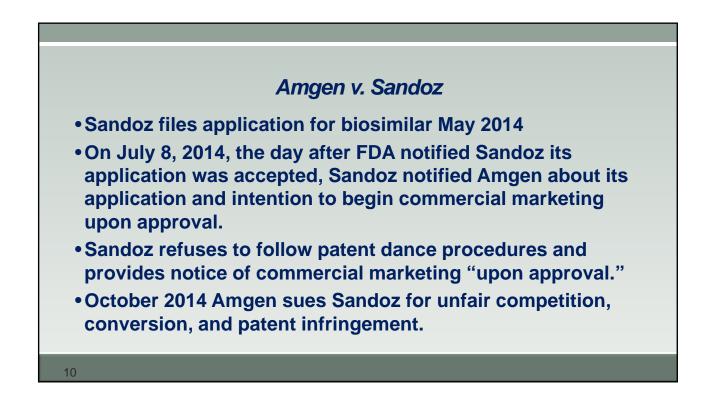
- Within 60 days, sponsor must provide a claim by claim analysis of infringement and response to invalidity and unenforceability statement.
- Negotiation in good faith for 15 days on patents to be litigated.
- If no agreement, applicant specifies the number of patents in suit.
- Parties then exchange lists of patents to litigate.
- Sponsor limited to number of patents chosen by applicant.
- Patent Infringement suit within 30 days from agreement or from exchange of lists,



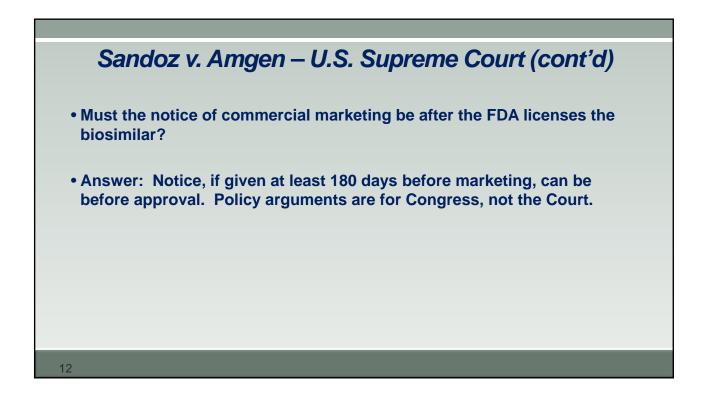
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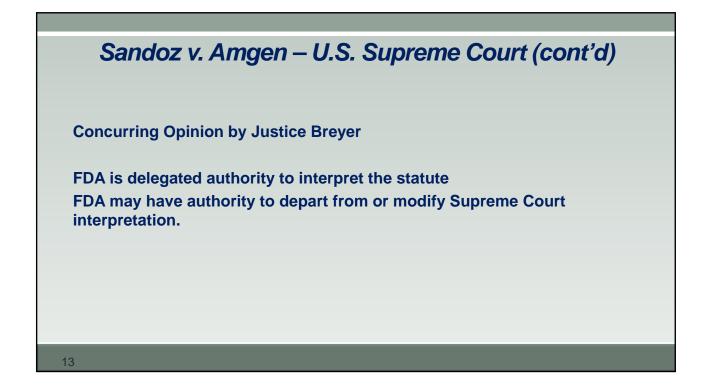
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Pfizer v. J & J and Janssen (E.D. Pa. September 2017)

Pfizer sues J&J and Janssen for antitrust violations relating to Pfizer's Inflectra, the biosimilar for Janssen's Remicade

- Pfizer launches Inflectra biosimilar for Remicade in 2016.
- According to Pfizer, since its launch, J&J's actions have led to near total foreclosure of Inflectra from patients.
- Pfizer alleges J&J's anti-competitive pricing and exclusionary contracts with insurers and hospitals preserve J&J's monopoly.

J&J's motion to dismiss currently pending