

Winston Scores Big Win for “Low T” Generic Drug

AUGUST 22, 2016

On August 22, 2016, a Winston & Strawn team obtained a significant trial victory for client Actavis Laboratories (now Teva Pharmaceuticals) when the Southern District of Indiana ruled that Teva’s proposed generic version of the Eli Lilly product Axiron, which is used to treat conditions associated with low testosterone (“low T”), does not infringe one of three asserted patents and that the remaining two asserted patents are invalid.

This complete victory in Eli Lilly’s backyard, which has received widespread media attention, comes after a nine-day trial and extensive post-trial briefing. It now paves the way for Teva to launch the first generic version of Axiron. In its ruling, the court credited many of the admissions extracted by the Winston team on cross examination from plaintiffs’ own experts. In fact, much of the court’s 214-page opinion used language directly from Winston’s post-trial briefs.

The Chicago-based trial team was led by Partner Kurt Mathas. Sam Lerner and Karalena Guerrieri also made important contributions over the course of the case.

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