

Chad Landmon Discusses Recent Declaratory Judgment Ruling with The Pink Sheet

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ATTORNEYS

Landmon, Chad

PRACTICE AREAS

Intellectual Property

On September 22, 2008, The Pink Sheet reported on recent decisions by the Federal Circuit relating to declaratory judgment jurisdiction, discussing comments made by Axinn's Chad Landmon regarding the potential impact of these decisions on actions brought by generic firms. Chad discussed how the recent decision in *Prasco v. Medicis Pharmaceutical* goes in the opposite direction of recent Federal Circuit decisions, which had been trending toward a liberalized declaratory judgment jurisdiction standard. Chad noted that the *Prasco* ruling may make it more difficult for generic challengers to bring declaratory judgment actions, especially where the brand has not sued and generic exclusivity is not blocking later filers from obtaining approval.