

# Federal Circuit Rules for Axinn Client in Abilify Patent Appeal

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In Axinn's latest for win for its client Zydus in assisting their coming to market with their generic version of Abilify (aripiprazole), the Federal Circuit affirmed a district court's claim construction in ongoing litigation between Otsuka and Zydus concerning Abilify® (aripiprazole). The appeal concerned the construction of U.S. Patent No. 8,759,350, which the district court had construed favorably for Zydus. After obtaining a stipulated summary judgment of non-infringement concerning the '350 patent based on this construction, Otsuka appealed to the Federal Circuit. The panel held a hearing in July and subsequently rejected Otsuka's argument, affirming the district court in a unanimous decision.

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