

Axinn Successful in Protecting Client Alvogen's Entry to Drug Market

March 1, 2012

ATTORNEYS

Gaglio, Nicholas

Landmon, Chad

PRACTICE AREAS

Intellectual Property

Axinn obtained a favorable decision for its client, Alvogen, Inc., which allows Alvogen's valuable generic version of the antibiotic Vancocin® to remain on the market. ViroPharma, Inc. brought the case against the U.S. Food and Drug Administration to reverse the approval of three Abbreviated New Drug Applications, asking for a preliminary injunction that would have forced Alvogen's and two other pharmaceutical companies' generic versions of Vancocin off the market. U.S. District Judge Ellen Segal Huvelle ruled against ViroPharma, denying the company's bid to maintain the monopoly on Vancocin – ViroPharma's highest-selling drug – during the pendency of the case.

Within less than a week, the Axinn team successfully moved to intervene, submitted opposition papers and argued before Judge Huvelle at a hearing held on April 19. The Court denied ViroPharma's motion days later, on April 23, 2012. The Axinn team included Chad Landmon and Nick Gaglio.

The case is *ViroPharma Inc. v. Hamburg*, 12-cv-584, U.S. District Court for the District of Columbia (Washington).