

Axinn Successfully Argues for Claim Construction in *Mayne v. Merck*

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ATTORNEYS

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PRACTICE AREAS

Intellectual Property

A team of Axinn attorneys successfully argued on behalf of Mayne Pharma International Pty Ltd. in a claim construction hearing in the patent infringement action, *Mayne Pharma International Pty Ltd. v. Merck & Co., Inc. and Merck Sharp & Dohme Corp.* On December 27, 2016, Judge Leonard P. Stark of the United States District Court for the District of Delaware issued a favorable opinion and order construing the claims to be limited to humans, as well as rejecting Merck's contentions that the claims are invalid for indefiniteness.

The patent infringement matter alleges that Merck's Noxafil® tablets infringe Mayne's U.S. Patent No. 6,881,745, which relates to pharmaceutical compositions for poorly soluble, antifungal drugs.

The team of Axinn attorneys consisted of Jason Murata, Thomas Hedemann, and Matt Murphy.