

Chad Landmon Discusses Court Decision Enjoining Teva from Launching Generic Osteoporosis Drug with Generic Line

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ATTORNEYS

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PRACTICE AREAS

Intellectual Property

Generic Line

A federal judge in Indiana has issued a preliminary injunction delaying the introduction of Teva's generic version of Eli Lilly's osteoporosis drug, Evista. Judge Sarah Evans Barker of the U.S. District Court for the Southern District of Indiana noted Teva had not proven that the '086 patent covering Evista (raloxifene HCl) is invalid. Judge Barker also ruled that Teva could not start a limited launch of its proposed generic product as it would "likely result in the same type of displacement of Evista in the marketplace as would a broader launch." In March, Teva submitted a voluntary agreement to limit its generic Evista launch to no more than one million bottles between April 23 and December 12, according to court documents. Chad Landmon of Axinn noted that Teva's offer to limit the amount of the release is a potentially unique strategy because, if the court were to allow Teva to launch and later found the company infringed the patent after a full trial, the damage inflicted on Lilly would be limited.

The article, entitled "Teva Is Blocked From Introducing Generic Formulation of Evista," was published by Generic Line on April 29, 2009. [Click here for a copy of the article:](#)