
Braintree Labs Wins Patent Infringement Case Against Novel

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On June 19, WilmerHale obtained a favorable final judgment in the US District Court for the District of New Jersey for Braintree Laboratories, Inc. (Braintree) in its patent infringement case against Novel Laboratories (Novel). The matter involved SUPREP®—Braintree's small volume sulfate-based colonoscopy preparation product—and Novel's proposed plan to make a generic version of the drug.

Braintree, a privately owned pharmaceutical company, sued Novel for patent infringement in March 2011 after it received a Paragraph IV letter.

Following a six-day bench trial in February 2013, Judge Peter Sheridan found that Novel had not proven by clear and convincing evidence that the asserted claims of the patent at issue, US Patent No. 6,946,149, are invalid for obviousness, anticipation, or indefiniteness. In his opinion, Judge Sheridan evaluated over 15 pieces of prior art asserted by Novel and concluded that Braintree's expert was more credible than Novel's expert in explaining why the asserted claims were neither anticipated nor obvious. The Court had earlier entered summary judgment for Braintree on its infringement claim and dismissed Novel's counterclaims. Injunctions implementing the Court's rulings were entered today.

The WilmerHale trial team representing Braintree included [Jack Regan](#),

Colleen Superko, Chris Noyes, David Chavous, Anna Lumelsky, Nishat Shaikh, Jennifer Brown, Michael Greene and Patrick Montgomery.