

PRESS RELEASE

Wiley Rein Files *Amicus* Brief in *Mylan, Inc. v. Daiichi Sankyo Co.*

January 11, 2011

Yesterday, Wiley Rein filed an *amicus* brief with the U.S. Supreme Court on behalf of the Generic Pharmaceutical Association (GPhA) in support of a petition for certiorari in patent dispute case *Mylan, Inc. v. Daiichi Sankyo Co.* The brief asks for the Court's clarification of its definition for "obviousness," a critically important issue when determining the validity of a patent.

Wiley Rein lawyers James H. Wallace, John B. Wyss, Helgi C. Walker and Thomas R. McCarthy wrote the *amicus* brief on behalf of GPhA and argue that allowing for patents on "obvious" advancements in pharmaceutical drugs results in significantly delaying the entry of generic drugs, thereby causing serious harm to American taxpayers and the federal government, the largest buyer of pharmaceuticals.

The use of generics prescriptions saves the national health care system more than \$1 billion dollars every three days. But when generic drugs are improperly barred from the market, Wiley Rein attorneys argue, prescription drug prices soar. As a result, individual consumers not only suffer serious financial harm, but the high prices for brand-name prescription drugs often cause the sick and elderly to skip needed doses or to forgo taking expensive prescription drugs altogether.

A decision by the Supreme Court on *certiorari* is expected in March.

Related Professionals

John B. Wyss
Senior Counsel
202.719.7038
jwyss@wiley.law

Practice Areas

Food & Drug
Hatch-Waxman Act Litigation
Intellectual Property
Issues and Appeals
Litigation
Patent