Kluwer Patent Blog

USA: AstraZeneca LP v. Breath Limited, United States Court of Appeals, Federal Circuit, No. 2015-1335, 7 May 2015

Kluwer Patent Blog · Tuesday, May 12th, 2015

The federal district court in Camden, New Jersey, did not err in finding U.S. Patent No. 7,524,834 ("the '834 patent") held by AstraZeneca LP and AstraZeneca AB ("AstraZeneca") and asserted against Breath Limited, Apotex Corp., Apotex, Inc., Sandoz Inc., and Watson Laboratories, Inc. (collectively, the "defendants"), invalid as obvious under 35 U.S.C. § 103, the U.S. Court of Appeals for the Federal Circuit has decided (AstraZeneca LP v. Breath Limited, May 7, 2015, Prost, S.). Thus, the district court's 166-page opinion, on remand from the Federal Circuit's earlier decision that reversed and remanded the district court's noninfringement findings on the '834 patent based on the district court's erroneous claim construction, was affirmed.

A full summary of this case has been published on Kluwer IP Law.

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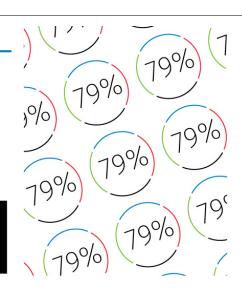
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This entry was posted on Tuesday, May 12th, 2015 at 7:41 am and is filed under United States of America

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