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Patent case: Novartis Pharmaceuticals Corporation. v. Accord Healthcare, Inc., USA

Cheryl Beise (Wolters Kluwer Legal & Regulatory US) · Tuesday, July 19th, 2022

Because the patent failed to disclose the absence of a loading dose, the no-loading-dose limitation was without adequate written description support.

A divided Federal Circuit panel has reconsidered and reversed a prior decision finding that a patent owned by Novartis for administering a drug to treat relapse multiple sclerosis was not invalid for lack of written description support. Upon reconsideration of expert testimony and the prosecution history, the panel concluded that the district court's finding that the no-loading-dose limitation met the written description requirement was clearly erroneous. The court granted a petition for rehearing filed by HEC Pharm Co., Ltd. and HEC Pharm USA Inc., vacated its prior decision, and reversed the district court's judgment that the claims of patent at issue were not invalid (Novartis Pharmaceuticals Corporation. v. Accord Healthcare, Inc., June 21, 2022, Moore, K.).

Case date: 21 June 2022

Case number: No. 2021-1070

Court: United States Court of Appeals, Federal Circuit

A full summary of this case has been published on [Kluwer IP Law](#).

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