NEWS RELEASES

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Husch Blackwell Prevails in Appetite Drug Patent Appeal

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The United States Court of Appeals for the Federal Circuit affirmed the favorable trial court determination on issues relating to an appetite stimulant drug in the case of *Par Pharmaceutical, et al. v. TWi Pharmaceuticals, Inc.* Husch Blackwell's Office Managing Partner Don Mizerk and his team Phil Segrest, John Sholar, and Rachael Casey handled the appeal.

"After a trial, the District Court in Baltimore found all claims of US Pat. No.7,101,576 which is directed to involve use of megestrol acetate suspensions with reduced food effect to treat AIDS patients, invalid as obvious," Mizerk said. On remand, the District Court found specifically that the claimed food effect reductions were inherent in the prior art combination as well as all asserted claims were invalid for nonenablement. After just three days the Federal Court summarily affirmed the District Court's judgment without opinion.

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