

Williams & Connolly Client Wins Case Before the Federal Circuit

April 2016

On Friday, March 18, 2016, the Federal Circuit (in *AstraZeneca v. Mylan* and a companion case, *Acorda Therapeutics v. Mylan*) affirmed the rulings of two Delaware district courts that the courts have specific jurisdiction over Mylan. The court explained that, when a generic company files a new drug application (ANDA) with the Food and Drug Administration, the filing gives rise to personal jurisdiction in a state where the generic company intends to market the drug if approved.

AstraZeneca retained Williams & Connolly as lead counsel after the Federal Circuit granted leave to appeal. The question presented in this case is where a brand-name drug manufacturer may sue a prospective generic manufacturer for patent infringement: specifically, whether the brand-name manufacturer must bring suit in the generic manufacturer's home state, or whether it can bring suit in other states as well. The underlying lawsuit in this case was brought by AstraZeneca against Mylan in Delaware; AstraZeneca alleged that Mylan infringed its patents for two diabetes drugs.