

## Steffen Johnson Speaks at ACI's *2nd West Coast Paragraph IV Disputes Conference*

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Winston & Strawn partner [Steffen Johnson](#) spoke at ACI's *2nd West Coast Edition Paragraph IV Disputes: Expert Insights on Hatch-Waxman Litigation Strategies for Brand Names and Generics Conference* held on December 6-7, 2011 in San Francisco.

Mr. Johnson participated in a December 7 panel, "Carve Outs and Inducement Controversies: Examining the Intersection Between a Drug's Patent and Its Label," which addressed:

- Comprehending the newfound significance of inducement actions post the Supreme Court's decision in *Global Tech v. SEB*
- *AstraZeneca LP v. Apotex, Inc.*: the role of Section 8 carve-outs and the inducement controversy
- *Caraco Pharmaceutical v. Novo Nordisk A/S*
- Skinny labeling challenges: is there a way around patents?

Joining Mr. Johnson were Meg Snowden from Impax Laboratories, Inc.; Jeffry Nicols from Brinks Hofer Gilson & Lione; and Mark Perry from Gibson Dunn & Crutcher.

Leading counsel from branded and generic drug makers, experienced jurists, and the Federal Trade Commission reviewed the latest legal challenges affecting Hatch-Waxman disputes, including:

- Pinpointing patents which may be vulnerable to a Paragraph IV challenge
- Demystifying an ANDA applicant's Orange Book strategy and dissecting a challenger's obligations under Paragraph IV
- Understanding the FTC's current position on pay-for-delay settlements and anticipating any antitrust concerns stemming from agreements between brand names and generics
- Mastering the intricacies of litigation with multiple ANDA filers
- Weighing the benefits and risks of an at-risk launch and minimizing downstream risk
- Identifying the legal and ethical impact that Therasense will have on the affirmative defense of inequitable conduct

- Exploring the ramifications of increased generic versus generic litigation in the quest for the prize of 180-day exclusivity
- Navigating the evolving case law surrounding double patenting obviousness and formulating litigation strategies based on the prior art analysis
- Scrutinizing labeling controversies and determining whether a use code expansion is reasonable

1 Min Read

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## Event Information

San Francisco

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## Related Locations

Washington, DC

## Related Capabilities

Intellectual Property

Patent Litigation