

Wiley Rein Supreme Court *Amicus* Brief, Filed on Behalf of GPhA, Challenges Unrestricted Venue Choice for Drug Patent Holders

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Washington, DC—Wiley Rein's recently filed U.S. Supreme Court *amicus* brief on behalf of the Generic Pharmaceutical Association (GPhA), in *TC Heartland v. Kraft Foods*, seeks to have the Court overturn a U.S. Court of Appeals for Federal Circuit (CAFC) ruling giving essentially unrestricted venue choice to drug patent holders in ANDA patent cases. According to GPhA, the CAFC has wrongly ignored the express limitations Congress enacted in the patent venue statute and the unfortunate result has been that 73% of ANDA patent cases have been filed in the districts of Delaware and New Jersey—drug patent holders' favored forums. This has led to overcrowded dockets and delayed trials that thwart the congressional policy of giving low-cost generic drugs speedy access to market.

GPhA also points to the unfair asymmetry between the wide-open venue choices made available to drug patent holders as plaintiffs by the CAFC, and the far more limited venue choice Congress imposed on ANDA filers who initiate a challenge to the same drug patents.

The brief, filed February 6, was authored by Wiley Rein founding partner Bert W. Rein and James H. Wallace, Jr., partner and chair emeritus of the firm's Intellectual Property Group, along with partners Mark A. Pacella and Brian H. Pandya and associate Wesley E. Weeks.

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Practice Areas

Intellectual Property

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