

PETER BENSINGER, JR., KATE SWIFT, AND SCOTT MCBRIDE WIN MULTIPLE SUMMARY JUDGMENT MOTIONS FOR BAYER IN PATENT CASE AGAINST PFIZER (ZOETIS)



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On July 6, 2016, Judge Chang in the Northern District of Illinois issued an 85 page ruling in which plaintiff patent owner Bayer won key summary judgment rulings against accused infringer Zoetis (formerly Pfizer) on its invalidity defenses. Bayer owns a patent on a treatment for "bovine respiratory disease" or shipping fever, which is a problem in the cattle industry. In granting Bayer's motions, the Court held as a matter of law that Bayer's patent is not obvious, not anticipated, and meets the written description requirement. The Court also denied all of defendant's summary judgment motions on the same issues. Bartlit Beck had previously defeated Zoetis's (Pfizer's) summary judgment motion on indefiniteness, and yesterday the Court also denied its request to reconsider that prior ruling. The Court found there were fact issues requiring trial on Pfizer's invalidity defense of "prior invention" and infringement. The patent at issue is U.S. Patent No. 5,756,506 and the case is Civ. No. 1:12-cv-00630, Bayer HealthCare LLC v. Pfizer Inc. (N.D. Ill.).

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