

BARTLIT BECK WINS TESTOSTERONE INJECTION PATENT APPEAL FOR ENDO AND BAYER



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Scott McBride, Nevin Gewertz, and Meg Fasulo won a complete affirmance of a trial victory for Bayer and Endo Pharmaceuticals in ANDA litigation over Endo's testosterone undecanoate intramuscular injection Aveed®. Aveed® is the first FDA-approved long-acting testosterone replacement therapy injectable. Defendant Custopharm, Inc. sought to market a generic version of Aveed® and challenged as obvious two patents covering Aveed®'s unique composition and dosing regimen. At a bench trial in 2016, Judge Sue Robinson of the District of Delaware issued a memorandum opinion and order finding that Custopharm, Inc. had failed to show that the patents covering Aveed® were invalid as obvious. Today, the Federal Circuit affirmed in a precedential opinion ([available here](#)).

ATTORNEYS

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