

## Plaintiffs Abandon Putative Class Action Against Pfizer and Takeda over Protonix

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Plaintiffs in a putative class action against Pfizer, Inc. and Takeda Pharmaceutical Co., related to acid reflux drug Protonix, will no longer give the two companies any heartburn. The plaintiffs stipulated to dismissal from New Jersey federal district court after a settlement in related proceedings that held the patent-in-suit valid and enforceable. ***Fawcett v. Altana Pharma AG***, No. 2:07-cv-06133-JLL-CCC.

The plaintiffs had premised their claims on Takeda's patent—licensed to Pfizer—being invalid and obtained by fraud on the patent office. The court put the suit on hold while Takeda and Pfizer litigated the validity of the patent in an infringement action against generic drug-makers Teva Pharmaceutical Industries Ltd. and Sun Pharmaceutical Industries Ltd. In 2010, a judge found that patent to be valid, and last month the parties reached a settlement in the damages litigation with Teva and Sun agreeing to pay Pfizer and Takeda \$2.15 billion.

The settlement prompted the New Jersey court to ask why it should not dismiss as moot the putative class action. The parties replied that they were preparing to stipulate to dismissal, which the court granted on July 14, 2013.

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