



Femina Pharma Announces ALJ's Denial of Merck's Motion for Summary Determination on Domestic Industry in ITC Patent Dispute Concerning NuvaRing®

MIAMI, Nov. 28, 2011 /PRNewswire/ -- Femina Pharma Incorporated announces the issuance of Order 24 in Investigation No. 337-TA-768 (In the matter of Certain Vaginal Ring Birth Control Devices) by the Administrative Law Judge at the United States International Trade Commission ("ITC") denying the Merck Respondents' Motion for Summary Determination on the basis of lack of Domestic Industry. The issuance of Order 24 follows the prior issuance on July 15, 2011 of Order 14 denying Merck's Motion for Summary Determination of Invalidity of U.S. Patent No. 6,086,909.

On February 11, 2011, Femina Pharma Incorporated filed a complaint with the ITC for infringement of the '909 patent through importation of certain vaginal ring birth control devices, including NuvaRing® against Merck & Co., Inc., Schering Plough Corporation, Organon USA, Inc., N.V. Organon, Wal-Mart Stores, Inc., CVS Pharmacy, Inc., Walgreen Co. and several Canadian On-Line Pharmacies. The Canadian On-Line Pharmacies have been held in default. NuvaRing® was acquired by Merck through its 2009 acquisition of Schering Plough.

Separately, Femina Pharma Incorporated announces the November 15, 2011 filing of a patent infringement lawsuit in federal district court in the Eastern District of Virginia against Merck & Co., Inc., Schering Plough Corporation, Organon USA, Inc., Wal-Mart Stores, Inc., CVS Pharmacy, Inc. and Walgreen Co. alleging infringement of the '909 patent by the NuvaRing® (C.A. no. 1:11cv1248) (the "District Action"). The District Action seeks monetary damages and injunctive relief.

Joseph Matus Fuisz, CEO of Femina Pharma, stated: "We are pleased with the Order denying the Merck Respondents' Motion for Summary Determination on the basis of lack of Domestic Industry. Femina continues to exploit the claimed technology and has every right to seek redress at the ITC to protect US industry from infringing foreign imports. Femina Pharma initiated Investigation No. 337-TA-768 to stop the unlawful importation of infringing product sold as NuvaRing®. We look forward to the ITC hearing scheduled for January 2012. Separately, we have initiated the District Action to seek monetary damages for current and past infringement."

Merck & Co., Inc., Schering Plough Corporation, Organon U.S.A., Inc., N.V. Organon, CVS Pharmacy, Inc., Wal-Mart Stores, Inc. and Walgreen Co.'s are represented in the ITC action by Covington & Burling, LLP. Femina Pharma Incorporated is represented in both the ITC and the District Action by The Fuisz-Kundu Group LLP (www.fuiszkundu.com).

About Femina Pharma Incorporated:

Femina Pharma Incorporated is a vaginal drug delivery company formed through the acquisition of the vaginal drug delivery assets of UMD Inc. Femina Pharma is managed by Joseph Fuisz and Richard C. Fuisz, M.D. (http://en.wikipedia.org/wiki/Richard_Carl_Fuisz). The Fuiszes have made substantial contributions in drug delivery including orally dissolving tablets and novel particle coating systems at Fuisz Technologies; inventing and developing thin film drug delivery technologies at Kosmos Pharma and MonoSol Rx, as well as independently developing extruded sheet technology, and have extensive experience working with big and specialty pharma (www.fuisz.com).

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