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Femina Pharma Announces ALJ's Denial of Merck's Motion for Summary Determination of Invalidity in Patent Dispute Concerning NuvaRing®



MIAMI, July 20, 2011/PRNewswire-USNewswire/ -- Femina Pharma Incorporated announced that Order No. 14 in Investigation No. 337-TA-768 (In the matter of Certain Vaginal Ring Birth Control Devices) was issued by the Chief Administrative Law Judge at the United States International Trade Commission ("ITC") 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®. On June 30, 2011, 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 moved to invalidate the '909 patent. That motion was denied by Order No. 14.

NuvaRing® was acquired by Merck through its 2009 acquisition of Schering Plough.

Joseph Matus Fuisz, CEO of Femina, stated: "We are pleased with the Order. Femina initiated Investigation No. 337-TA-768 to stop the unlawful importation of infringing product. Merck's defense has centered in part on validity issues despite Merck's own reliance on its own vaginal ring patent to preserve market exclusivity for the NuvaRing®. The ITC agreed with Femina's opposition to Merck's motion and denied Merck's attempt to invalidate the '909 patent. We look forward to the hearing this October."

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 action by Covington & Burling, LLP. Femina Pharma Incorporated is represented in the 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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