

Kerry McTigue Argues That Biosimilar Notice Rule Is Not Absolute

Monday, April 4, 2016

Kerry McTigue, co-chair of Cozen O'Connor's Intellectual Property department, urged a Federal Circuit panel to reverse a lower court's decision that biosimilar makers must always provide 180-day advance notice of sales to brand-name rivals. Kerry's oral argument was discussed in a *Law360* article on *Amgen Inc. v. Apotex Inc.* Kerry said that, "The BPCIA was a carefully crafted congressional statute ... It created a framework with choices. To rule otherwise would be to render superfluous another provision of the statute allowing brand-name drug makers, but not biosimilar makers, to file so-called declaratory judgement actions if notice is not given."

To read the full article, [click here](#).



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