

**DELAWARE
BUSINESS COURT INSIDER**

Latham, Finnegan Win \$115M
Muscular Dystrophy Drug Patent
Verdict for Counterclaimant

By **Ellen Bardash**
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A Delaware federal jury has determined a Japanese pharmaceutical company owes a Massachusetts-based drug developer more than \$115 million for patent infringement.

The verdict, reached Friday, is a win for the team of **Latham & Watkins** and Finnegan attorneys representing counterclaimant Sarepta Therapeutics in the patent suit that’s been ongoing for more than three years.

The trial took place over five days before U.S. District Judge Jennifer L. Hall.

“We’re grateful to the jury for their careful consideration of the facts in this case and for finding that Sarepta’s and the University of Western Australia’s patent for Sarepta’s groundbreaking treatment for Duchenne Muscular Dystrophy is valid and infringed by Nippon, awarding \$115 million in damages to Sarepta, and for finding Nippon’s patent invalid,” said **Latham & Watkins** partner **Mike Morin**, lead counsel for Sarepta.

Morgan Lewis & Bockius-represented Nippon filed claims against Sarepta in the District of



Jennifer Hall testifies before the Senate Judiciary Committee during her confirmation hearing to be U.S. District Judge for the District of Delaware, on Wednesday, July 26, 2023.

Delaware in July 2021, and Sarepta filed counterclaims. On Dec. 19, the jury found Nippon’s patent was invalid as obvious, taking away Nippon’s ability to recover the \$222 million it was seeking from Sarepta at trial.

Following the damages phase of the trial, the jury found Sarepta and the University of Western Australia had proven a loss of \$115,222,850 in sales in the United States.