

Allergan strikes out with sovereign nation scheme to protect patents

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Singapore – The U.S. Court of Appeals has affirmed the decision of the USPTO's Patent Trial and Appeal Board that Allergan cannot apply its tribal sovereign immunity to prevent inter partes review proceedings. The ruling allows Mylan's challenge to Allergan's Restasis (cyclosporine ophthalmic emulsion) patents to proceed.

In a ploy to extend its patents, Allergan transferred ownership to the St. Regis Mohawk Tribe in 2017 on the legal view that inter partes reviews do not apply to sovereign nations.