

DUSA Pharma gets relief prohibiting Biofrontera to use its trade secrets

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DUSA Pharmaceuticals, Inc., ("DUSA"), a wholly owned subsidiary of Sun Pharmaceutical Industries Ltd announced that DUSA has been granted preliminary injunctive relief by a federal district court prohibiting defendants Biofrontera Inc., Biofrontera Bioscience GmbH, Biofrontera Pharma GmbH, and Biofrontera AG (together known as "Biofrontera") from using DUSA's confidential and proprietary trade secret information.

DUSA had filed a lawsuit against the Biofrontera defendants earlier this year in the US District Court for the District of Massachusetts. The lawsuit alleges trade secret misappropriation and patent infringement of DUSA's photodynamic therapy ("PDT") patents, US 9,723,991 and US 8,216,289, covering DUSA's product, LEVULAN® KERASTICK® (aminolevulinic acid HCl) for a topical solution, 20% used with DUSA's BLU-U Blue Light Photodynamic Therapy Illuminator.

DUSA, in its amended complaint filed in July 2018, had additionally alleged that the Biofrontera defendants misappropriated confidential and trade secret information from DUSA and improperly obtained confidential DUSA information from former DUSA employees to sell and market defendants' own products, including Ameluz (aminolevulinic acid hydrochloride) gel 10% and BF-RhodoLED. The lawsuit seeks an assessment of both damages and injunctive relief against the Biofrontera defendants.

DUSA filed a motion for preliminary injunctive relief in November 2018 requesting an order prohibiting Biofrontera from using DUSA's confidential and proprietary trade secret information to sell and market its own products, including Ameluz and BF-RhodoLED.

The court issued a preliminary injunction order, finding that "Biofrontera by its own admission is in possession of at least 600 DUSA documents obtained from 20+ employees that have left DUSA for Biofrontera in recent years," "that these documents contain confidential and proprietary information," and "that Biofrontera has competed against DUSA unfairly exploiting know-

how that took DUSA years to develop." The court's order enjoins and prohibits Biofrontera from "making use of or disseminating DUSA's sales and financial information, customer lists and customer target lists, training and marketing materials, standard operating procedures, technical information, and unpublished clinical data, and any derivations thereof," effective immediately. The court also stated that "at this early stage, it would appear that DUSA has a reasonable prospect of success on the merits."