



[Back to News](#)

## **David Beats Goliath...Again**

FEBRUARY 16TH, 2009

Following a seven-day federal bench trial in Chicago, Novack and Macey LLP, together with co-counsel Jerry Hartzell, of Raleigh, North Carolina, won a resounding \$70 million victory for their client Pentech Pharmaceuticals, Inc., against Par Pharmaceutical, Inc. Magistrate Judge Morton Denlow presided over the trial.

Pentech is a small Chicago-based pharmaceuticals company. Par is the operating subsidiary of NYSE-listed Par Pharmaceutical Companies, Inc. (PRX). The case arose out of a contract between Pentech and Par concerning a generic alternative to the GlaxoSmithKline (GSK) blockbuster antidepressant drug "Paxil." Par brought a generic alternative to the market as a result of a settlement agreement resolving patent infringement litigation between GSK and Pentech. The dispute concerned how the Pentech-Par contract applied to Par's revenues from the generic Paxil sales.

Eric Macey, with his colleagues Andrew Fleming, John Shonkwiler and Christopher Moore, teamed with Jerry Hartzell, to present Pentech's case at trial. Par was represented by Cravath Swaine & Moore of New York, as well as Chicago-based attorneys Rich Prendergast and Michael Layden.

The case was brought to trial in December of 2008. Judgment was entered on February 9, 2009, in which Judge Denlow found that Pentech was entitled to recover \$69,955,476, plus the costs of suit.

For further information please contact Eric Macey or John Shonkwiler at 312.419.6900.