

MEDICIS PHARMACEUTICAL CORP
Form 8-K
February 03, 2010

**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549**

**FORM 8-K
CURRENT REPORT**

Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

January 28, 2010

Date of Report (Date of earliest event reported)

Medicis Pharmaceutical Corporation

(Exact name of registrant as specified in its charter)

Delaware
(State of Incorporation)

001-14471
(Commission File Number)

52-1574808
(IRS Employer
Identification Number)

7720 North Dobson Road
Scottsdale, Arizona 85256
(Address of principal executive offices) (Zip Code)

(602) 808-8800
(Registrant's telephone number, including area code)

N/A

(Former Name or Former Address, if Changed Since Last Report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- ☐ Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
 - ☐ Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
 - ☐ Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
 - ☐ Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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Item 8.01 Other Events.

The Company Receives a Paragraph IV Patent Certification from Sandoz Inc.

On January 28, 2010, Medicis Pharmaceutical Corporation (the Company) received a Paragraph IV Patent Certification from Sandoz Inc. (Sandoz) advising that Sandoz has filed a supplement or amendment to its earlier filed Abbreviated New Drug Application (ANDA) assigned ANDA number 91-422 (ANDA Supplement/Amendment) with the U.S. Food and Drug Administration (FDA) for generic SOLODYN® in its forms of 65mg and 115mg strengths. Sandoz has not advised the Company as to the timing or status of the FDA's review of its filing, or whether Sandoz has complied with FDA requirements for proving bioequivalence. Sandoz's Paragraph IV Certification alleges that the Company's U.S. Patent No. 5,908,838 (the 838 Patent) will not be infringed by Sandoz's manufacture, importation, use, sale and/or offer for sale of the products for which the ANDA Supplement/Amendment was submitted because it has been granted a patent license by the Company for the 838 Patent. The expiration date for the 838 Patent is in 2018.

The Company Amends its Complaint against Lupin Ltd.

On February 2, 2010, the Company amended its complaint against Lupin Ltd. (Lupin) in the United States District Court for the District of Maryland seeking an adjudication that Lupin has infringed one or more claims of the 838 Patent by submitting its supplement or amendment to its earlier filed ANDA assigned ANDA number 91-424 for generic SOLODYN® in its form of 115mg strength.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, as amended, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

Date: February 3, 2010

By: /s/ Jason D. Hanson
Jason D. Hanson
Executive Vice President, General
Counsel and Corporate Secretary