Citing “False Testimony” Federal Judge Tosses Merck’s Patent Win Over Hepatitis C Treatment

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A federal judge has thrown out a $200 million jury verdict in favor of Merck & Co. against Gilead Sciences in a landmark patent dispute over hepatitis C virus (HCV) treatment. According to federal officials, a retired Merck scientist “intentionally fabricated testimony” as a witness at a trial earlier this year. The ruling overturns a landmark decision that would have forced Gilead to share royalties from breakthrough HCV cures with Merck, Bloomberg reports.

U.S. District Judge Beth Labson Freeman in San Jose, California, reversed a verdict that would have forced Gilead to share some of its more than $20 billion in revenues from Sovaldi (sofosbuvir) and Harvoni (ledipasvir/sofosbuvir) with Merck. The case, which was decided in March 2016, was built on claims that Merck was responsible for early discoveries that led to the development of the hepatitis C treatments.

The judge reopened the case in April after Gilead alleged that former Merck scientist Phil Durette had made conflicting statements over his role in a key phone call that took place nearly 15 years ago when sofosbuvir’s basic components were first presented to Merck. Additionally, Gilead called out its competitor’s actions because Durette was also acting as the company’s patent attorney at the time.

Gilead has lauded the court decision, saying that Merck’s patent claims over sofosbuvir were “unenforceable” under current laws. However, Merck has vowed to appeal the ruling, saying it “does not reflect the facts of the case.”

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