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Litigation Note: Supreme Court of California Denies Appeal in *Medivation, Inc. v. Aragon Pharmaceuticals*

San Francisco – December 16, 2016: On December 14, 2016, the Supreme Court of California denied an appeal filed by Medivation, Inc. against a Crowell & Moring client, The Regents of the University of California (The Regents), in a longstanding licensing dispute over a promising cancer drug, upholding the First Appellate District for the California Court of Appeal decision from September 2016 in favor of The Regents. The decision upheld the trial result in which the firm had secured \$32 million in additional licensing income for The Regents, obtained summary judgment on claims made against The Regents, and secured a jury verdict in favor of one of the UCLA inventors.

In the matter, which was first filed May 3, 2011, The Regents had licensed a prostate cancer drug — now a highly successful drug called Xtandi — to Medivation. The pharmaceutical company Medivation claimed that The Regents should have also licensed to it another prostate cancer drug, A52, which The Regents had licensed to another pharmaceutical company, Aragon Pharmaceuticals. Medivation asserted claims for breach of contract against The Regents, and fraud and other torts against its professors, who invented both drugs.

The Crowell & Moring team obtained key summary adjudication wins relating to A52, eliminating Medivation's contract claims against The Regents and establishing that Medivation had no rights to A52, and recovered attorneys' fees for these claims. During the litigation, it was discovered that The Regents was underpaid on drugs The Regents did license to Medivation and The Regents filed a cross-complaint for declaratory relief. The Crowell & Moring team prevailed in a bench trial on this cross-complaint pursuant to which The Regents secured \$32 million in additional licensing income from Medivation. Then, Crowell & Moring prevailed in a jury trial regarding whether Professor Michael Jung from the University of California, Los Angeles, one of the inventors, defrauded Medivation out of rights to A52.

Medivation appealed each of these wins. In September 2016, the First Appellate District for the California Court of Appeal affirmed each of the victories, which was upheld by the state Supreme Court.

Litigation team: The Crowell & Moring team for The Regents of the University of California was led by [Gregory D. Call](#), and included [Clifton S. Elgarten](#), [Nate Bualat](#), [Emily T. Kuwahara](#), [Chris Cadena](#), and [Shannon Lentz](#).

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