



MEMORANDUM

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**Vivus acquires topiramate-related patents from Janssen Pharmaceuticals - August 27, 2014**

Vivus just announced the acquisition of topiramate-related patents from Janssen Pharmaceuticals. The patents cover uses of topiramate to treat [obesity](#) (1997), lower blood pressure and lipids, and [reduce blood glucose](#) (2000), both in monotherapy and in combination with other agents. Vivus agreed to pay Janssen an unspecified one-time upfront fee and royalties on future product sales of Vivus' anti-obesity drug, Qsymia (topiramate/phentermine). With this deal, Janssen also agreed to dismiss the recent August 22 patent lawsuit it filed against Vivus - we have been unable to find more information on this case, but assume it concerned these patents. As background, Janssen currently sells [Topamax](#) (topiramate) for migraine prevention, a drug that is now generic; an "extended release" form is a component of Qsymia. Although no financial details on the agreement have been disclosed, Vivus told us that the financial terms were "favorable." Overall, we assume this patent deal with Janssen was expensive for Vivus, but important to sign given the patents' overlap with Qsymia's indication. We also wonder if these patents will now assist Vivus in its lawsuit against Actavis for allegedly infringing on Qsymia patents; as a reminder, Actavis [filed](#) a US marketing application for a generic version of Qsymia this past May. For more background, please see our coverage of Vivus' [2Q14 financial update](#).