

News & Insights

Genentech, Inc., Herceptin (Trastuzumab) Marketing and Sales Practices Litigation, 2019 WL 1284176 (N.D. Okla. Mar. 20, 2019)

March 26, 2019

On March 20, 2019, Judge Terence Kern in the Northern District of Oklahoma granted summary judgment in favor of Genentech, Inc., represented by William W. O'Connor of Hall, Estill in Tulsa, Oklahoma, and the law firm of Shook, Hardy and Bacon, in a multi-district litigation that had been pending in the Northern District for several years.

Genentech manufactures, markets, and distributes Herceptin, a biologic drug used to treat breast cancer. Plaintiffs were cancer treatment providers across the nation who had purchased Herceptin for treatment of their patients.

Plaintiffs contended that Herceptin's labeling was misleading, and argued that not every vial contained the amount of the drug that was advertised. Genentech filed summary judgment on Plaintiffs' claims for breach of express and implied warranties and unjust enrichment, and argued that Plaintiffs' claims were preempted by federal law. In a resounding victory, Judge Kern granted Genentech's summary judgment in its entirety, ending the case.

Hall Estill attorneys Jerrick Irby and Margo Shipley, as well as paralegals Laura Williams and Teri Wallace assisted O'Connor.

You can read more about the case [HERE](#) in Drug and Device Law.