MEDICIS PHARMACEUTICAL CORP
Form 8-K
November 23, 2009

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
November 20, 2009
Date of Report (Date of earliest event reported)
Medicis Pharmaceutical Corporation
(Exact name of registrant as specified in its charter)

Delaware	**001-14471**	**52-1574808**
(State of Incorporation)	(Commission File Number)	(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:

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

Item 8.01 Other Events.

On November 20, 2009, Medicis Pharmaceutical Corporation (the Company) received a Paragraph IV Patent Certification from Barr Laboratories, Inc. (Barr), a subsidiary of Teva Pharmaceuticals USA, Inc., advising that Barr has filed an Abbreviated New Drug Application (ANDA) with the U.S. Food and Drug Administration (FDA) for generic SOLODYN® in its forms of 65mg and 115mg strengths. Barr has not advised the Company as to the timing or status of the FDA s review of its filing, or whether Barr has complied with FDA requirements for proving bioequivalence. Barr s Paragraph IV Certification alleges that the Company s U.S. Patent No. 5,908,838 (the 838 Patent) is invalid, unenforceable and/or will not be infringed by Barr s manufacture, use, sale and/or importation of the products for which the ANDA was submitted. The expiration date for the 838 Patent is in 2018. The Company is evaluating the details of Barr s certification letter and considering its options. If the Company were to sue Barr within 45 days of receiving the notice, the Company believes that the FDA would not be authorized to approve the application until after the passage of 30 months.

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: November 23, 2009

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