DEPOMED INC Form 8-K December 03, 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

Date of Report (Date of earliest event reported): November 25, 2009

DEPOMED, INC.

(Exact name of registrant as specified in its charter)

001-13111

(Commission File Number)

California
(State or other jurisdiction of incorporation)

94-3229046 (I.R.S. Employer Identification No.)

1360 O Brien Drive, Menlo Park, California 94025

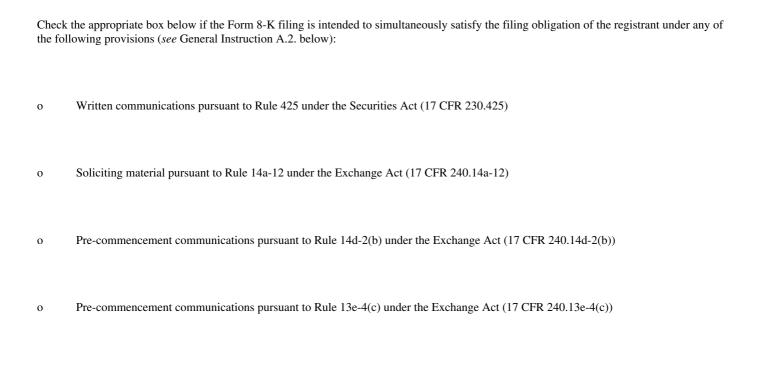
(Address of principal executive offices, with zip code)

(650) 462-5900

(Registrant s telephone number, including area code)

Not Applicable

(Former name or former address, if changed since last report)



Item 8.01 Other Events

On November 25, 2009, Depomed, Inc. (the Company) filed a lawsuit in the United States District Court for the Northern District of California against Lupin Limited and its wholly-owned subsidiary, Lupin Pharmaceuticals, Inc. (Lupin), for infringement of the patents listed in the Orange Book for the Company s GLUMETZA® product (metformin hydrochloride extended release tablets).

The lawsuit is in response to an Abbreviated New Drug Application (ANDA) filed by Lupin with the U.S. Food and Drug Administration (FDA) regarding Lupin s intent to market generic versions of 500mg and 1000mg dosage strengths of GLUMETZA prior to the expiration of the four listed patents (U.S. Patent Nos. 6,340,475; 6,488,962; 6,635,280; and 6,723,340).

The Company has commenced the lawsuit within the 45 days required to automatically stay, or bar, the FDA from approving Lupin s ANDA for 30 months or until a district court decision that is adverse to the patents, whichever may occur earlier.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the Registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

DEPOMED, INC.

Date: December 3, 2009 By: Matthew M. Gosling Matthew M. Gosling

Vice President and General Counsel

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