

DEPOMED INC  
Form 8-K  
February 10, 2010

**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): **February 8, 2010**

**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)

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**Not Applicable**

(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 (*see* General Instruction A.2. below):

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
  
  - Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
  
  - Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
  
  - Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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**Item 8.01. Other Events**

On February 8, 2010, Biovail Corporation ( Biovail ) and Depomed, Inc. (the Company ) filed a complaint in Federal Court in Canada against Apotex, Inc. ( Apotex ) for infringement of the Company s Canadian patent No. 2,290,624 (the 624 Patent ). The filing is in response to Apotex receiving clearance from the Minister of Health on February 4, 2010 to market in Canada a 500mg extended release metformin hydrochloride tablet that is a generic version of the 500mg formulation of Glumetza® (extended release metformin hydrochloride tablets). The Company has licensed the 500mg formulation of Glumetza in Canada to Biovail and has been joined as a party to the litigation pursuant to the intellectual property enforcement provisions of its Canadian Glumetza license agreement with Biovail.

**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: February 10, 2009

By:

/s/ Matthew M. Gosling  
Matthew M. Gosling  
Vice President and General Counsel