

Senniger Powers Secures Victory for Fleming & Company, Pharmaceuticals

Senniger Powers successfully defended its client, Fleming & Company, Pharmaceuticals in a lawsuit filed by Alliance Security Products, Inc. and Alliance Security International, LLC, both New York companies. The suit included claims of breach of contract, misappropriation of an idea/trade secret, and unfair competition and revolved around Fleming's product, ThyroShield, a liquid potassium iodide (KI) solution used to prevent thyroid cancer in children exposed to radiation.

Alliance originally approached Fleming in 2003 to discuss marketing Fleming's KI solution known as PIMA, but the two parties failed to agree on negotiations. Fleming went on to attain FDA approval and change the name of its KI product to ThyroShield.

In 2005, Alliance filed suit in the United States District Court for the Southern District of New York, claiming that Fleming used confidential business strategies revealed in the parties' negotiations to create and market ThyroShield. U.S. District Judge Lewis A. Kaplan, however, found Alliance's arguments unconvincing and on Jan. 29, 2007, Fleming was granted summary judgment dismissing the complaint.

Fleming has a long history with KI solutions. In 1968, Fleming began producing the KI solution PIMA for use as an expectorant, but later realized its potential for preventing thyroid cancer. In 1986, the company provided the product to those affected by the Chernobyl disaster, and later was awarded a government contract for stockpiling the solution near nuclear power plants.

Senniger Powers attorneys Keith Rabenberg, Mike Hartley, Sara Gillette, Robert Evans and Vince Keil were involved in the case and were instrumental to its successful outcome.