

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WASHINGTON

**Novo Nordisk A/S and Novo Nordisk Inc. v. Ikon Health LLC d/b/a/
Invigor Medical, LLC**

No. 4:24-CV-05093-RLP (E.D. Wash. Jan. 26, 2026) · No. No. 4:24-CV-05093-RLP · Decided January 26, 2026

SUMMARY

The U.S. District Court for the Eastern District of Washington denied Ikon Health LLC’s motion for judgment on the pleadings in an action brought by Novo Nordisk alleging false advertising under the Lanham Act, common-law unfair competition, and violations of Washington’s Consumer Protection Act. The court held that Novo Nordisk adequately alleged Article III standing, Lanham Act standing, and injury to business or property under the Washington statute. The court also rejected the defendant’s preemption and failure-to-state-a-claim arguments.

CASE DETAILS

COURT	United States District Court for the Eastern District of Washington
JURISDICTION	U.S. District Court for the Eastern District of Washington
DECIDED	January 26, 2026
DOCKET	No. 4:24-CV-05093-RLP
DISPOSITION	denied
PROCEDURAL POSTURE	Defendant moved for judgment on the pleadings under Federal Rule of Civil Procedure 12(c), arguing that the complaint failed to allege actionable injury, Article III standing, statutory standing, and the elements of the asserted claims.
STANDARD OF REVIEW	On a Rule 12(c) motion, the court accepts factual allegations in the complaint as true and construes them in the light most favorable to the plaintiff. Judgment is appropriate only if the complaint fails to allege sufficient facts supporting a cognizable legal claim.
PRECEDENTIAL VALUE	Unknown; district court order
PARTIES	Novo Nordisk A/S, Novo Nordisk Inc. v. Ikon Health LLC d/b/a/ Invigor Medical, LLC

TOPICS

motion for judgment on the pleadings

standing

trademark law

consumer protection

preemption

PRACTICE AREAS

civil procedure

intellectual property

consumer protection

constitutional law

health law

QUESTIONS PRESENTED

1. Whether the complaint adequately alleged injury in fact, causation, and redressability sufficient to establish Article III standing in a false-advertising action.
2. Whether the complaint adequately alleged commercial injury and proximate cause sufficient to establish standing under the Lanham Act.
3. Whether the complaint adequately alleged injury to business or property causally linked to deceptive acts sufficient to proceed under the Washington Consumer Protection Act.
4. Whether the claims were preempted by federal law.
5. Whether the complaint adequately alleged the elements of its false-advertising, unfair-competition, and Washington Consumer Protection Act claims.

HOLDINGS

1. The complaint adequately alleged Article III standing because it alleged that Ikon Health's misleading advertising caused consumers to purchase its products under the mistaken belief that they were the same as, or came from, Novo Nordisk, thereby plausibly harming Novo Nordisk's market share.
2. The complaint adequately alleged Lanham Act standing by alleging injury to Novo Nordisk's commercial interest in reputation or sales and a proximate causal connection to Ikon Health's alleged misrepresentations.
3. The complaint adequately alleged standing and an actionable injury under the Washington Consumer Protection Act by alleging that deceptive advertising harmed Novo Nordisk's business, market share, and reputation.
4. Federal preemption was not implicated on the allegations presented because Novo Nordisk did not allege that Ikon Health violated federal law merely by selling compounded drugs.
5. The complaint adequately pleaded the elements of the asserted claims by alleging false statements concerning FDA approval and product identity, consumer confusion, and harm to consumers and Novo Nordisk's market and reputation.

KEY QUOTATIONS

"In a false advertising suit, a plaintiff establishes Article III standing if 'some consumers who bought the defendant's product under a mistaken belief' fostered by the defendant 'would have otherwise bought the plaintiff's product.'" (at 2)

"It stands to reason that [Ikon Health] will capture a larger sale of the [semaglutide drug] market—to [Novo Nordisk's] detriment—if they mislead consumers into believing that" their drugs are the same as Novo

FACTUAL BACKGROUND

Novo Nordisk markets FDA-approved semaglutide products, including Ozempic, Rybelsus, and Wegovy, and alleged that Ikon Health markets compounded drugs purporting to contain semaglutide. Novo Nordisk alleged that Ikon Health advertised its compounded products as FDA-approved, as containing the same active ingredient as Novo Nordisk's products, as generic versions of those products, and as supported by clinical studies conducted on Novo Nordisk's medicines. Novo Nordisk further alleged that consumers purchased Ikon Health's products believing they were Novo Nordisk products or identical products, causing market-share and reputational harm.

PROCEDURAL HISTORY

Novo Nordisk sued Ikon Health for false advertising under the Lanham Act, common-law unfair competition, and violations of the Washington Consumer Protection Act. Ikon Health moved for judgment on the pleadings. The district court considered the motion without oral argument and denied it, holding that the complaint adequately alleged standing and stated plausible claims.

DISPOSITION

denied

CASES CITED

- Fleming v. Pickard, 581 F.3d 922, 925 (9th Cir.)
- Mendiondo v. Centinela Hospital Medical Center, 521 F.3d 1097, 1104 (9th Cir.)
- Trans Union LLC v. Ramirez, 594 U.S. 413, 426-27, 427 (2021)
- Casillas v. Madison Avenue Associates, Inc., 925 F.3d 329, 332 (7th Cir.)
- Trafficschool.com, Inc. v. Edriver, 653 F.3d 820, 825-26 (9th Cir.)
- Joint Stock Society v. UDV North America, Inc., 266 F.3d 164, 177 (3d Cir.)
- Lexmark International, Inc. v. Static Control Components, Inc., 572 U.S. 118, 131-32, 136 (2014)
- Eli Lilly and Co. v. Adonis Health, 2025 WL 2721684, at *3-4 (N.D. Cal. Sept. 24, 2025)
- Novo Nordisk, Inc. v. DCA Pharmacy, 745 F. Supp. 3d 626, 630 (M.D. Tenn. Aug. 15, 2024)
- Scott v. Amazon.com, Inc., 33 Wash. App. 2d 44, 72 (2024)
- Ambach v. French, 167 Wn.2d 167, 173 (2009)
- Novo Nordisk A/S v. Mai Kaga, MD LLC, 2025 WL 3707550, at *5 (D.N.J. Dec. 22, 2025)