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Life Sciences: Competition & Antitrust Alert

This issue begins with a discussion of the FTC’s recent defeat in the District Court of Minnesota in its challenge to the acquisition by Lundbeck of the neonatal drug NeoProfen from Abbott Laboratories. The court’s decision that the acquisition did not raise competitive concerns because Lundbeck’s existing drug, Indocin IV, did not compete with NeoPro, demonstrates the continued importance of product market definition in antitrust cases.

The next article addresses two recent mergers in the pharmaceutical industry and the varying remedies obtained by competition agencies throughout the world. In a related article in the China Developments section, we provide an in-depth update on the Chinese Ministry of Commerce’s recent merger review activities and imposed remedies.

The section on private litigation addresses continuing developments relating to patent litigation settlements, specifically the Second Circuit’s refusal to grant a rehearing en banc as advocated by the FTC and other plaintiffs in the Cipro case. The second article discusses a district court’s refusal to find a relevant market defined by a single manufacturer’s goods.

The EU section covers several developments, including two cases involving alleged abuse of life cycle management strategies; the OECD’s Competition Committee report on competition between brand and generic pharmaceuticals; and an update on the recent Azko Nobel ruling on legally privileged material before the European Commission.

Contacts

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