

Office of Attorney General Terry Goddard**Terry Goddard Announces \$22.5 Million Settlement over Cholesterol Drug**

(Phoenix, Ariz. January 7, 2010) Attorney General Terry Goddard today announced a \$22.5-million settlement with Abbott Laboratories, Fournier Industrie et Sante and Laboratories Fournier, S.A., resolving antitrust claims involving the cholesterol drug TriCor.

Tricor is used to reduce high levels of triglycerides and cholesterol. It accounted for more than \$1 billion of Abbotts sales last year.

The savings from lower-cost generic drugs were not available to consumers and government agencies because of these companies manipulative practices, Goddard said. This settlement underscores my commitment to keeping the marketplace fair and competitive.

In 2008, Arizona, 24 other states and the District of Columbia filed suit in Delaware Federal District Court alleging that Abbott and Fournier blocked generic competition for Tricor. The suit alleged that the companies thwarted generic competition to Tricor using a variety of strategies, including a practice called product switching. Under this practice, the companies made clinically insignificant changes in the dosage and form of Tricor, removed older versions of TriCor from the market and manipulated the drug codes needed to facilitate generic substitution. As a result, pharmacists were not able to dispense less costly versions of TriCor.

The states also alleged that Abbott and Fournier engaged in sham litigation regarding patents they knew were invalid, unenforceable or inequitably obtained for the purpose of preventing or delaying generic competition. Due to Abbott and Fourniers conduct, state and local entities have had to pay higher prices for TriCor because their conduct blocked the lower-priced therapeutically equivalent generic versions of TriCor from the market.

If approved by the court, the settlement will reimburse governmental purchasers for overcharges paid for Tricor. Abbott and Fournier have also agreed not to delete the drug codes for the latest version of TriCor in the event a generic manufacturer seeks FDA approval of a generic version of Tricor until a specified time has lapsed. The settlement will also reimburse the participating Attorneys General for fees and costs. Arizona will recover more than \$270,000 from the settlement.

The companies agreed to a separate, \$184 million settlement in 2008 with pharmacies, wholesalers and generics makers. Consumers and third-party payers who were harmed by the defendants alleged anti-competitive conduct will recover their damages through a class-action settlement that was reached in the fall of 2009.

French drug company Fournier, which developed TriCor, was acquired by Belgian company Solvay in 2005.

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