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Douglas F. Gansler

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Attorney General Gansler Files Suit Against Drug Companies for Blocking Competitors' Production of Generic Cholesterol Lowering Drug

BALTIMORE, MD (March 18, 2008) - Attorney General Douglas F. Gansler today filed suit against Abbott Laboratories and French drug company Fournier Industrie et Sante alleging that the firms violated state and federal antitrust laws by delaying the availability of cheaper, generic versions of TriCor, a cholesterol drug which last year accounted for over one billion dollars of Abbott's sales. The civil complaint filed in federal court in Delaware alleges that the two drug companies conspired to prevent the marketing of less expensive generic versions of TriCor, Abbott's brand name for fenofibrate, a drug used to reduce high levels of triglycerides and cholesterol.

The complaint alleges that Abbott and Fournier obtained patents protecting TriCor from competition by deceiving the Patent Office with incomplete and misleading data. Abbott and Fournier then brought more than 10 groundless patent infringement lawsuits against these generic companies between 2000 and 2004 to prevent them from obtaining Federal Food and Drug Administration approval to market their generic versions of Tricor. Abbott and Fournier eventually lost or dismissed all of the lawsuits.

Abbott and Fournier also made minor changes in the formulations of TriCor, not to improve it, but to prevent competing drug companies' generic versions from qualifying under FDA rules as substitutes for the more costly TriCor. Abbott and Fournier further ensured that TriCor would not face generic competition by withdrawing earlier TriCor versions from the market before generic substitutes to these versions could be marketed. When consumers purchase generic versions of major brand name drugs, the price is often 50-80 percent less than the branded drug.

"Many Marylanders struggle to pay for the drugs that they need to preserve their health," said Attorney General Gansler. "We cannot tolerate schemes that artificially increase the burdens on our citizens and on the State."

Maryland's lawsuit seeks three times the amount of overpayments made by the State and by Marylanders who purchased TriCor. Maryland was joined in this suit by Arizona, Arkansas, California, Connecticut, the District of Columbia, Florida, Iowa, Kansas, Maine, Minnesota, Missouri, Nevada, New York, Oregon, Pennsylvania, South Carolina, Washington, and West Virginia.

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