

		Tom Corbett		<i>Protecting Pennsylvania Families</i>						
		PENNSYLVANIA				ATTORNEY GENERAL				
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March 18, 2008

Attorney General Corbett announces multi-state lawsuit against Abbott and Fournier for illegally blocking generic competition to TriCor

HARRISBURG - Abbott Laboratories and French drug company, Fournier, have been charged as part of a multi-state lawsuit with violating antitrust laws in delaying the availability of a cheaper, generic version of TriCor, a cholesterol drug.

Attorney General Tom Corbett said that TriCor accounted for over \$1 billion dollars of Abbott's sales last year.

Corbett said that a civil complaint filed in Federal Court in Delaware seeks triple the amount of damages incurred by the state's public health agencies and individual consumers.

According to the complaint, the two drug companies prevented the marketing of a generic version of TriCor, which Abbott began marketing in 1998. TriCor is Abbott's brand name for a drug used to reduce high levels of triglycerides and cholesterol.

Corbett said that the attempt to block a cheaper generic drug of TriCor started when generic drug companies began developing their own versions of the same drug.

The complaint states that Abbott and Fournier used patents obtained by deceiving the Patent Office with incomplete and misleading data. These patents were then used to bring a series of groundless patent infringement lawsuits against the generic drug companies.

According to the complaint, Abbott and Fournier filed over 10 lawsuits against the generic complaints between 2000 and 2004. At the same time, those companies were attempting to obtain Federal Drug Administration (FDA) approval for their generic versions of TriCor.

"Abbott and Fournier used these techniques to monopolize the market," Corbett said. "They orchestrated a sophisticated scheme involving false patents, lawsuits and exclusion of generic competition from the TriCor market."

Corbett said that Abbott and Fournier's purpose in filing the lawsuits was to use the litigation process as an anti-competitive weapon. The patents, which the lawsuits were based, were unenforceable and actions could not succeed on their merits.

At the same time, as part of its plan to block generic competition, Abbott and Fournier made minor changes in the formulations of TriCor. These changes were not intended to improve the drug, but rather to prevent generic versions from obtaining AB ratings that allow them to be substituted for the more costly TriCor.

"Shrewd tactics to stifle competition and cheat consumers out of drug choices is egregious," Corbett said. "Prices for prescription drugs and health care is rising rapidly enough and companies who put unnecessary strains on drug and drug competition will be held accountable."

Corbett noted that when consumers purchase generic replacement drugs for major brand name drugs, the price is often 50 to 80% less than the brand name.

Corbett also noted that Abbott and Fournier eventually lost or dismissed all of the lawsuits.

The multi-state lawsuit included Pennsylvania, Arizona, Arkansas, California, Connecticut, Florida, Iowa, Kansas, Maine, Maryland, Minnesota, Missouri, Nevada, New York, Oregon, South Carolina, Washington, West Virginia and the District of Columbia.

The Commonwealth's case was handled by Chief Deputy Attorney General James Donahue and Deputy Attorney General Joseph Betsko of the Attorney General's Antitrust Section.

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A former state representative from Erie and a member of her legislative staff were charged today with forging nominating petitions and submitting the fraudulent forms to the Secretary of the Commonwealth.



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