

# Attorney General Pam Bondi News Release

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## Multimillion Dollar Settlement Reached with Drug Manufacturer, Florida Consumers to Receive Millions

**TALLAHASSEE, Fla.—Attorney General Pam Bondi, 47 other state attorneys general and the District of Columbia today announced a \$125 million settlement with Cephalon and affiliated companies, including an estimated \$2.4 million for Florida consumers. The settlement concludes a multistate investigation into anticompetitive conduct by Cephalon to protect the monopoly profits earned from Cephalon’s landmark wakefulness drug, Provigil. Cephalon’s conduct delayed generic versions of Provigil from entering the market for several years. As part of the settlement, \$35 million will be distributed to consumers who bought Provigil.**

**“These anticompetitive efforts cost Floridians millions of dollars and kept the price of this prescription drug artificially high,” said Attorney General Bondi. “As a result of our joint efforts, millions of dollars will be will be paid to Florida and consumers.”**

**As patent and regulatory barriers preventing generic competition to Provigil neared expiration, Cephalon intentionally defrauded the Patent and Trademark Office to secure an additional patent that a court subsequently deemed invalid and unenforceable. Before the court finding, Cephalon delayed generic competition for nearly six years by filing patent infringement lawsuits against all potential generic competitors. Cephalon settled those patent infringement lawsuits in 2005 and early 2006 by paying the generic competitors to delay sale of the generic versions of Provigil until at least April 2012. Due to the delayed entry, consumers, governmental entities and others paid millions more for Provigil than they would have paid for generic versions of the drug if the generic versions launched as originally expected in early 2006.**

**Out of the \$125 million settlement, Florida’s total recovery is estimated to be nearly \$4 million, broken down as follows:**

- **More than \$200,000 to compensate for Provigil purchases by certain state entities or authorized purchases off state contracts;**
- **More than \$2.4 million estimated for distribution to Florida consumers for payments for Provigil; and**
- **More than \$1.2 million for Florida’s share of disgorgement and costs.**

**The states’ settlement, which remains subject to court approval, arose as the result of an earlier settlement by Cephalon with the Federal Trade Commission. In May 2015, the FTC settled its lawsuit against Cephalon for injunctive relief and \$1.2 billion paid into an escrow account. The FTC settlement allowed for the escrow funds to be distributed for settlement of certain related cases and government investigations, including the states’ investigation.**

**To view the settlement agreement, click [here](#).**