



State of Michigan Attorney General Bill Schuette

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Schuette Joins Multi-State Suit Against Maker of Opioid Addiction Treatment Drug Accused of Anti-Competitive Conduct

LANSING – Michigan Attorney General Bill Schuette today joined a multi-state antitrust lawsuit against the makers of Suboxone, a prescription drug used to treat opioid addiction, over allegations that the companies engaged in a scheme to block generic competitors and cause purchasers to pay artificially high prices.

Reckitt Benckiser Pharmaceuticals, now known as Indivior, allegedly conspired with MonoSol Rx to switch Suboxone from a tablet version to a film (that dissolves in the mouth) in order to prevent or delay generic alternatives and maintain monopoly profits. This conduct violates both federal and state antitrust laws.

Suboxone is a brand-name prescription drug used to treat heroin addiction and other opioid addictions by easing addiction cravings. No generic alternative in the film form is currently available.

As a result, the attorneys general of 34 states and the District of Columbia allege that consumers and purchasers have paid artificially high monopoly prices since late 2009, when generic alternatives of Suboxone might otherwise have become available. During that time, annual sales of Suboxone topped \$1 billion.

“Antitrust laws are in place to ensure a fair market and competitive pricing for consumers,” said Schuette. “The unethical actions of these two companies caused prices of this drug to skyrocket for consumers. Addiction rates America are at an all-time high, the blatant actions of this company to use an epidemic for financial gain is despicable.”

The lawsuit, filed in the U.S. District Court for the Eastern District of Pennsylvania, accuses the companies of violating the federal Sherman Act and state laws. Counts include conspiracy to monopolize and illegal restraint of trade. In the suit, the attorneys general ask the court to stop the companies from engaging in anti-competitive conduct, to restore competition, and to order appropriate relief for consumers and the states, plus costs and fees.

Alleged “Product Hopping”

The lawsuit alleges the companies engaged in illegal conduct called “product hopping,” where a company makes modest changes to its product to extend patent protections so other companies can’t enter the market and offer cheaper generic alternatives.

When Reckitt introduced Suboxone in 2002 (in tablet form), it had exclusivity protection that lasted for seven years, meaning no generic version could enter the market during that time. Before that period ended, however, it is alleged that Reckitt worked with MonoSol to create a new version of Suboxone – a dissolvable film, similar in size to a breath strip.

Over time, Reckitt allegedly converted the market away from the tablet to the film through marketing, price adjustments, and other methods. Ultimately, after the majority of Suboxone prescriptions were written for the film, Reckitt removed the tablet from the U.S. market.

According to the suit, the Suboxone film provided no real benefit over the tablet and Reckitt continued to sell the tablets in other countries even after removing them from the U.S. market. Reckitt also allegedly expressed unfounded safety concerns about the tablet version and intentionally delayed FDA approval of generic versions of Suboxone.

The attorneys general of the following jurisdictions also joined in the lawsuit: Alabama, Alaska, Arkansas, California, Colorado, District Of Columbia, Connecticut, Delaware, Florida, Hawaii, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington.

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