

## Press Releases

**AG Kilmartin Files Antitrust Lawsuit Against Makers of Opioid Addiction Treatment Drug Suboxone**

Rhode Island Attorney General Peter F. Kilmartin and 35 other attorneys general today filed an 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, is accused of conspiring 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.

The companies are accused of violating state and federal antitrust laws.

"While Rhode Island and the nation continue to struggle with the opioid abuse and addiction crisis, the makers of Suboxone are more concerned with protecting their profits," said Attorney General Kilmartin. "We know Suboxone helps with the addiction of opioids, and can be a lifesaving drug for those who are struggling with addiction, but it is expensive. It is reprehensible for the manufacturer to purposefully delay allowing generics to come to market when people are dying from addiction."

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

According to the lawsuit, 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, 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.

The attorneys general allege that this conduct was illegal "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. 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 concerns about the safety of the tablet version and intentionally delayed FDA approval of generic versions of Suboxone.



As a result, the attorneys general 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.

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

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