



Subscribe to Our Newsletter

Subscribe



ROB BONTA

Attorney General

Attorney General Bonta Announces Victory in the Fight Against Makers of Suboxone

Press Release / *Attorney General Bonta Announces Victory in the Fight Agains...*

Tuesday, August 23, 2022

Contact: (916) 210-6000, agpressooffice@doj.ca.gov

Court decision allows 42-state coalition's antitrust litigation to move forward

OAKLAND – California Attorney General Bonta, as part of a 42-state coalition led by Wisconsin, secured a decision from the district court for the Eastern District of Pennsylvania ruling that the states can proceed with their antitrust litigation against the makers of Suboxone for “product hopping.” Suboxone is a drug product approved for use by recovering opioid addicts to avoid or reduce withdrawal symptoms while they undergo treatment. Suboxone previously came in tablet form, but in 2010, its manufacturer Indivior Inc. (Indivior) switched from tablet to sublingual film, citing safety concerns. In the lawsuit, the state coalition alleges Indivior used illegal means to switch the Suboxone market from tablets to film while attempting to destroy the market for tablets, in order to preserve its drug monopoly.

“It is no secret that we have a crisis when it comes to the cost of prescription drugs in our country,” **said Attorney General Bonta**. “We must do all we can to ensure that everyone can access affordable, essential prescription medications. My office won’t stand by when drug manufacturers violate antitrust law to line their pockets and put profits before people. We’re pleased that the court’s ruling allows our multistate litigation against Indivior to move forward.”

In 2010, a year after Indivior’s exclusive right to the Suboxone tablet had expired and generic manufacturers were set to enter the market, Indivior switched Suboxone from a tablet to a sublingual film, citing safety concerns. The multistate coalition filed a lawsuit in 2016, claiming that this switch was anticompetitive and solely designed to maintain Indivior’s market exclusivity, a scheme known as a “product hop.” In the lawsuit, the coalition argued that Indivior’s product hopping scheme violated state and federal antitrust laws. Indivior opposed the lawsuit, filing a motion for summary judgment.

In a sweeping ruling, the court denied defendant Indivior’s motion for summary judgment, holding that there were facts and favorable law for the plaintiffs’ case to proceed. Noting that the volume of facts required “enormous judicial resources” to wade through, in an 86-page opinion, the Court denied all defendant’s motions for summary judgment, and held in the states’ favor. A trial has not yet been scheduled but is expected next year.

A link to the decision can be found [here](#).

Attorney General Bonta is joined in this victory by the attorneys general of Alabama, Alaska, Arkansas, Colorado, District of Columbia, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire,

New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

#

[Office of the Attorney General](#) [Accessibility](#) [Privacy Policy](#) [Conditions of Use](#) [Disclaimer](#)

© 2022 DOJ