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[DOJ Home \(https://www.doj.state.or.us/\)](https://www.doj.state.or.us/) / [AG Rosenblum Sues Pharmaceutical Giants AbbVie and Besins \(/media\)](#)

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## AG Rosenblum Sues Pharmaceutical Giants AbbVie and Besins

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With the high price of prescription drugs on the minds of many Oregonians, Oregon Attorney General Ellen Rosenblum today sued AbbVie, Abbott Laboratories, Unimed Pharmaceuticals, and Besins Healthcare, for using sham patent litigation to monopolize the market for testosterone replacement gels, which led to sky-high prices. The lawsuit alleges that the four pharmaceutical companies, which held the exclusive patent for brand-name AndroGel, filed baseless lawsuits to prevent competitors from bringing a generic version of AndroGel to market and driving down the price for the drug.

Read the lawsuit [here \(https://www.doj.state.or.us/wp-content/uploads/2022/11/2022-11-09-Complaint-AndroGel-FILED.pdf\)](https://www.doj.state.or.us/wp-content/uploads/2022/11/2022-11-09-Complaint-AndroGel-FILED.pdf).

AndroGel is a topical pharmaceutical gel product approved for testosterone replacement therapy in men with low testosterone, and had annual U.S. sales of more than \$1 billion.

“These companies abused the legal process to illegally block Oregon consumers’ access to lower-cost versions of a brand-name drug,” said Attorney General Rosenblum. “This is once again an example of big pharma taking advantage of consumers. Taking this action today is part of making good on my commitment to help lower the price of prescription drugs.”

Oregon’s lawsuit follows a similar suit brought by the U.S. Federal Trade Commission in the United States District Court in Philadelphia. In that case, the federal court ruled that AbbVie’s and Besins’s illegal monopoly scheme allowed the two companies to pocket \$448 million in profits from artificially high prices. The United States Court of Appeals for the Third Circuit, however, later granted the companies’ appeal, holding that regardless of whether a monopoly violation was committed, the Federal Trade Commission had no power to strip the companies of their ill-gotten profits.

“We will continue to stand up and demand justice for Oregonians as the power of federal regulators to help consumers is challenged. These companies should not keep any of the profits they made on the back of phony lawsuits that forced Oregonians to overpay for prescription drugs,” said Attorney General Rosenblum.

This case is being led by Oregon DOJ’s antitrust team. The Attorney General enforces federal and state antitrust laws and can bring antitrust complaints involving allegations of price fixing, unlawful group boycotts and bid rigging.