

The Latest Word on Reverse Payment Pharmaceutical Patent Settlements

JULY 23, 2012

The April 2012 decision by the US Court of Appeals for the Eleventh Circuit in *Federal Trade Commission v. Watson Pharmaceuticals, Inc.* (a.k.a. *AndroGel*), affirmed the dismissal of the FTC's suit against so-called "reverse payment" settlements of pharmaceutical patent litigation, adopting the "scope of the patent" test. In July 2012, the US Court of Appeals for the Third Circuit rejected the scope of the patent test in favor of a presumption of illegality for reverse payment settlements in *In Re: K-Dur Antitrust Litigation*. This panel discussion, sponsored by the ABA Section of Antitrust Law's Health Care and Pharmaceuticals Committee, addresses these recent decisions and their implications. WilmerHale Partner Hartmut Schneider moderates this event.

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