



Litigation, Trials and Appeals

Antitrust Life Sciences and Healthcare Capabilities

Overview

Companies in the life sciences, healthcare and pharmaceutical sectors look to Baker Botts' Antitrust and Competition team to handle their most challenging government investigations and litigations. Our Antitrust and Competition Law team is recognized as one of the world's leading competition practices—including being named a Top Five global antitrust litigation firm by *Global Competition Review* in 2021.

Our team includes seasoned antitrust trial attorneys with substantial experience representing life sciences, healthcare and pharmaceutical clients before courts throughout the United States, as well as in front of the U.S. Antitrust agencies, state Attorneys General, the European Commission and Member States, and many other international competition agencies.

Representative Experience

We assist clients on the full range of competition-related disputes and have extensive trial experience litigating antitrust cases relating to all theories of liability in the life sciences space, particularly in the pharmaceutical sector. Collaborating with our appellate team, we have the ability to take a case from inception through to the U.S. Supreme Court, if necessary. We also have significant experience in matters involving both antitrust and intellectual property issues arising in the life sciences industry.

Some of our matter highlights include:

- ***In re Humira (Adalimumab) Antitrust Litigation*** (N.D. Ill.). Lead counsel for Sandoz, in a high-profile proposed class action brought by plaintiffs against biosimilar manufacturers and AbbVie, alleging unlawful "reverse payments" relating to the world's best-selling drug.
- ***In re Generic Pharmaceuticals Antitrust Pricing Litigation*** (E.D. Pa.). Representing Sun Pharmaceuticals and Taro Pharmaceuticals in multiple civil class actions, Attorney General actions, and private cases alleging price fixing in the market for numerous Taro generic pharmaceuticals.
- ***Takeda Pharma USA, Inc. v. Zydus, Inc.*** (D.N.J.). Lead trial counsel for generic manufacturer Zydus in antitrust case brought in 2018 involving alleged sham litigation and misuse of Hatch-Waxman regulatory scheme.
- ***PharmacyChecker.com LLC v. National Association of Boards of Pharmacy, et al.*** (S.D.N.Y.). Lead defense counsel representing the National Association of Boards of Pharmacy (NABP) in case filed in 2019 alleging violations of Section 1 of the Sherman Act and the Lanham Act.

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- ***In the Matter of Benco Dental Supply Co., et al.*** (F.T.C.). Lead trial counsel for Patterson in a 2018 three-month bench trial against the FTC in a case alleging price-fixing and a group boycott, which included cross-examination of roughly 65 live fact and expert witnesses.
- ***SourceOne Dental, Inc. v. Patterson Companies, Inc. et al*** (E.D.N.Y.). Defended Patterson Companies, Inc. in a group boycott conspiracy case following mediation and aggressive pre-trial preparations.
- ***IQ Dental Supply, Inc. v. Henry Schein, Inc. et al.*** (E.D.N.Y.). Defended Patterson in litigation brought by a rival distributor alleging the same conspiracy as SourceOne Dental.
- ***Hatchett v. Henry Schein, Inc. et al.*** (S.D. Ill.). Lead counsel for Patterson in a proposed class action alleging a price-fixing scheme in violation of the Illinois Antitrust Act.
- ***Schering Plough (now Merck & Co.)*** in defense of antitrust claims brought by the FTC alleging unlawful reverse payments to Wyeth involving K-Dur.
- ***Somers, et al. v. QVC, Inc.*** (E.D.Pa.). Lead defense counsel representing QVC, Inc. in case filed in 2019 alleging violations of Section 2 of the Sherman Act and other claims related to distribution of supplements.

Key Contacts

To learn more about our antitrust litigation experience, please contact one of the lawyers below.



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