



[Visiting the Court](#) | [Touring the Building](#) | [Exhibitions](#)

Search: All Documents Docket

Enter Search Text:

[Home](#) | [Search Results](#)

No. 12-416

Title: Federal Trade Commission, Petitioner

v.

Actavis, Inc., et al.

Docketed: October 4, 2012

Lower Ct: United States Court of Appeals for the Eleventh Circuit

Case Nos.: (10-12729-DD)

Decision Date: April 25, 2012

Rehearing July 18, 2012

Denied:

Questions

Presented

~~~Date~~~ ~~~~~Proceedings and Orders~~~~~

- Oct 4 2012 Petition for a writ of certiorari filed. (Response due November 5, 2012)
- Oct 31 2012 Order extending time to file response to petition to and including November 13, 2012, for all respondents.
- Nov 5 2012 Brief amici curiae of New York, et al. filed.
- Nov 13 2012 Brief of respondent Solvay Pharmaceuticals, Inc. filed.
- Nov 13 2012 Brief of respondents Par Pharmaceutical Companies, Inc. and Paddock Holdings, Inc in opposition filed.
- Nov 13 2012 Brief of respondent Watson Pharmaceuticals, Inc. filed.
- Nov 20 2012 DISTRIBUTED for Conference of December 7, 2012.
- Nov 21 2012 Reply of petitioner Federal Trade Commission filed. (Distributed)
- Dec 7 2012 Petition GRANTED. Justice Alito took no part in the consideration or decision of this petition.
- Dec 20 2012 Consent to the filing of amicus curiae briefs, in support of either party or of neither party, received from counsel for the petitioner.
- Jan 7 2013 SET FOR ARGUMENT ON Monday, March 25, 2013
- Jan 10 2013 Proposal from counsel for respondent Par Pharmaceutical Companies, Inc. to lodge copies of a letter it filed with the FTC and Dept. of Justice pursuant to the MMA.
- Jan 22 2013 Motion for leave to file Volume 2 of the joint appendix under seal filed by petitioner Federal Trade Commission.
- Jan 22 2013 Joint appendix filed. (Volume 1 of 2) (Statement of costs received.)
- Jan 22 2013 Brief of petitioner Federal Trade Commission filed.
- Jan 24 2013 Record received from U.S.C.A. for 11th Circuit. (1 envelope).
- Jan 28 2013 CIRCULATED.
- Jan 28 2013 Brief amicus curiae of Knowledge Ecology International filed. (Distributed)
- Jan 28 2013 Brief amicus curiae of Public Patent Foundation filed. (Distributed)

- Jan 29 2013 Brief amici curiae of Louisiana Wholesale Drug Company, Inc., et al. filed. (Distributed)
- Jan 29 2013 Brief amicus curiae of America's Health Insurance Plans filed. (Distributed)
- Jan 29 2013 Brief amici curiae of New York, et al. filed. (Distributed)
- Jan 29 2013 Brief amici curiae of 118 Law, Economics, and Business Professors, and the American Antitrust Institute filed. (Distributed)
- Jan 29 2013 Brief amicus curiae of Apotex, Inc. filed. (Distributed)
- Jan 29 2013 Brief amici curiae of AARP, et al. filed. (Distributed)
- Jan 29 2013 Brief amicus curiae of Representative Henry A. Waxman filed. (Distributed)
- Jan 29 2013 Brief amicus curiae of National Association of Chain Drug Stores filed. (Distributed)
- Jan 30 2013 Motion DISTRIBUTED for Conference of February 15, 2013.
- Feb 13 2013 Sealed record from U.S.D.C. for Northern District of Atlanta (1 envelope). The remainder of the record is electronic.
- Feb 19 2013 Motion for leave to file Volume 2 of the joint appendix under seal GRANTED. Justice Alito took no part in the consideration or decision of this motion.
- Feb 21 2013 Brief of respondent Solvay Pharmaceuticals, Inc. filed. (Distributed)
- Feb 21 2013 Brief of respondents Par Pharmaceutical Companies, Inc. and Paddock Holdings, Inc filed. (Distributed)
- Feb 21 2013 Brief of respondent Actavis, Inc. filed. (Distributed)
- Feb 27 2013 Brief amicus curiae of National Association of Manufacturers filed. (Distributed)
- Feb 28 2013 Brief amici curiae of Generic Manufacturers Upsher-Smith Laboratories, Inc., et al. filed. (Distributed)
- Feb 28 2013 Brief amicus curiae of Enavail, LLC filed. (Distributed)
- Feb 28 2013 Brief amicus curiae of Generic Pharmaceutical Association filed. (Distributed)
- Feb 28 2013 Brief amici curiae of Bayer AG and Bayer Corp. filed. (Distributed)
- Feb 28 2013 Brief amicus curiae of Shire PLC filed. (Distributed)
- Feb 28 2013 Brief amicus curiae of New York Intellectual Property Law Association filed. (Distributed)
- Feb 28 2013 Brief amicus curiae of Merck & Co., Inc. filed. (Distributed)
- Feb 28 2013 Brief amicus curiae of Pharmaceutical Research and Manufacturers of America filed. (Distributed)
- Feb 28 2013 Motion of Enavail, LLC for leave to participate in oral argument as amicus curiae and for divided argument filed.
- Feb 28 2013 Brief amici curiae of Antitrust Economists filed. (Distributed)
- Feb 28 2013 Brief amici curiae of Law Professors Gregory Dolin, Kent Bernard, et al. filed. (Distributed)
- Feb 28 2013 Brief amicus curiae of American Intellectual Property Law Association filed. (Distributed)
- Feb 28 2013 Brief amici curiae of Mediation and Negotiation Professionals filed. (Distributed)

Feb 28 2013 Brief amici curiae of David W. Opderbeck and Erik Lillquist filed. (Distributed)

Feb 28 2013 Brief amici curiae of Health and Economics Professors filed. (Distributed)

Feb 28 2013 Brief amicus curiae of Washington Legal Foundation filed. (Distributed)

Feb 28 2013 Brief amicus curiae of Intellectual Property Owners Association filed. (Distributed)

Mar 15 2013 Motion of Enavail, LLC for leave to participate in oral argument as amicus curiae and for divided argument DENIED. Justice Alito took no part in the consideration or decision of this motion.

Mar 18 2013 Reply of petitioner Federal Trade Commission filed. (Distributed)

Mar 21 2013 Motion to Unseal Volume II of the Joint Appendix filed by petitioner Federal Trade Commission. (Distributed)

Mar 21 2013 Motion DISTRIBUTED for Conference of March 22, 2013.

Mar 22 2013 Letter of March 21, 2013, from counsel for respondent Solvay Pharmaceuticals, Inc. received. (Distributed)

Mar 22 2013 Motion to unseal Volume II of the joint appendix GRANTED. Justice Alito took no part in the consideration or decision of this motion.

Mar 25 2013 Argued. For petitioner: Malcolm L. Stewart, Deputy Solicitor General, Department of Justice, Washington, D. C. For respondents: Jeffrey I. Weinberger, Los Angeles, Cal.

Jun 17 2013 Judgment REVERSED and case REMANDED. Breyer, J., delivered the opinion of the Court, in which Kennedy, Ginsburg, Sotomayor, and Kagan, JJ., joined. Roberts, C. J., filed a dissenting opinion, in which Scalia and Thomas, JJ., joined. Alito, J., took no part in the consideration or decision of the case.

Jul 19 2013 JUDGMENT ISSUED

Jul 24 2013 Record returned to U.S.C.A. for 11th Circuit.

Jul 24 2013 Record returned to U.S.D.C. for Northern District of Georgia.

---

| ~~Name~~~~~                                 | ~~~~Address~~~~~                                                                                                                                    | ~~Phone~~~     |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>Attorneys for Petitioner:</b>            |                                                                                                                                                     |                |
| Donald B. Verrilli Jr.<br>Counsel of Record | Solicitor General<br>United States Department of Justice<br>950 Pennsylvania Avenue, N.W.<br>Washington, DC 20530-0001<br>SupremeCtBriefs@USDOJ.gov | (202) 514-2217 |
| Party name: Federal Trade Commission        |                                                                                                                                                     |                |
| Malcolm L. Stewart                          | Deputy Solicitor General<br>Department of Justice                                                                                                   | (202) 514-2201 |

Washington, DC 20530  
malcolm.l.stewart@usdoj.gov

Party name: Federal Trade Commission

**Attorneys for Respondents:**

|                                   |                                                                                             |                |
|-----------------------------------|---------------------------------------------------------------------------------------------|----------------|
| Eric Grannon<br>Counsel of Record | White & Case<br>701 Thirteenth Street, NW<br>Washington, DC 20005<br>egrannon@whitecase.com | (202) 626-3600 |
|-----------------------------------|---------------------------------------------------------------------------------------------|----------------|

Party name: Par Pharmaceutical Companies, Inc. and Paddock Holdings, Inc

|                                        |                                                                                                                        |                |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------------|----------------|
| Clifford M. Sloan<br>Counsel of Record | Skadden Arps Slate Meagher & Flom LLP<br>1440 New York Avenue, N.W.<br>Washington, DC 20005<br>cliff.sloan@skadden.com | (202) 371-7000 |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------------|----------------|

Party name: Actavis, Inc.

|                                            |                                                                                                                                   |                |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|----------------|
| Jeffrey I. Weinberger<br>Counsel of Record | Munger, Tolles & Olson LLP<br>355 South Grand Avenue<br>Thirty-Fifth Floor<br>Los Angeles, CA 90071<br>Jeffrey.Weinberger@mto.com | (213) 683-9100 |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|----------------|

Party name: Solvay Pharmaceuticals, Inc.

|                    |                                                                                  |                |
|--------------------|----------------------------------------------------------------------------------|----------------|
| Michelle Friedland | Munger Tolles & Olson, LLP<br>560 Mission Street<br>San Francisco, CA 94105-2907 | (415) 512-4000 |
|--------------------|----------------------------------------------------------------------------------|----------------|

Party name: Solvay Pharmaceuticals, Inc.

**Other:**

|                   |                                                                                           |                |
|-------------------|-------------------------------------------------------------------------------------------|----------------|
| Edward G. Biester | Duane Morris LLP<br>30 S. 17th St.<br>Philadelphia, PA 19103<br>gebiester@duanemorris.com | (215) 979-1000 |
|-------------------|-------------------------------------------------------------------------------------------|----------------|

Party name: Law Professors Gregory Dolin, Kent Bernard, et al.

|                    |                                                                                           |                |
|--------------------|-------------------------------------------------------------------------------------------|----------------|
| Steven G. Bradbury | Dechert LLP<br>1900 K Street, N.W.<br>Washington, DC 20006<br>steven.bradbury@dechert.com | (202) 261-3483 |
|--------------------|-------------------------------------------------------------------------------------------|----------------|

Party name: American Intellectual Property Law Association

|                          |                                     |                |
|--------------------------|-------------------------------------|----------------|
| William F. Cavanaugh Jr. | Patterson Belknap Webb & Tyler, LLP | (212) 336-2000 |
|--------------------------|-------------------------------------|----------------|

1133 Avenue of the Americas  
New York, NY 10036  
wfcavanaugh@pbwt.com

Party name: Antitrust Economists

Richard W. Cohen                      Lowey Dannenberg Cohen & Hart, P.C.                      (914) 997-0500  
One North Broadway, Suite 509  
White Plains, NY 10601-2310  
rcohen@lowey.com

Party name: America's Health Insurance Plans

Stephen Joseph Cowen                      University of Chicago                      (312)-607-9922  
Law School  
1111 East 60th Street  
Chicago, IL 60637  
stephen@zosimagroup.com

Party name: Health and Economics Professors

Krista L. Cox                      Knowledge Ecology International                      (202)-332-2670  
1621 Connecticut Ave. NW Suite 500  
Washington, DC 20009  
Krista.cox@keionline.org

Party name: Knowledge Ecology International

David E. De Lorenzi                      One Gateway Center                      (973) 596-4743  
Newark, NJ 07102-5310  
ddelorenzi@gibbonslaw.com

Party name: David W. Opderbeck and Erik Lillquist

Thomas A. Doyle                      Baker & McKenzie LLP                      (312) 861-8866  
300 East Randolph St., Suite 5000  
Chicago, IL 60601  
thomas.doyle@bakermckenzie.com

Party name: Mediation and Negotiation Professionals

Thomas C. Goldstein                      Goldstein & Russell, P.C.                      (202) 362-0636  
5225 Wisconsin Avenue, N.W., Suite 404  
Washington, DC 20015  
tg@goldsteinrussell.com

Party name: Louisiana Wholesale Drug Company, Inc., et al.

Douglas Hallward-Driemeier                      Ropes & Gray LLP                      (202) 508-4600  
One Metro Center  
700 12th Street, NW, Suite 900  
Washington, DC 20005  
Douglas.Hallward-Driemeier@ropesgray.com

Party name: Pharmaceutical Research and Manufacturers of America

Justin J. Hasford                      901 New York Avenue, NW                      (202)-408-4175  
Washington, DC 20001  
justin.hasford@finnegan.com

Party name: Enavail, LLC

William M. Jay                      Goodwin Procter LLP                      (202) 346-4000  
901 New York Avenue, N.W.  
Washington, DC 20001  
wjay@goodwinprocter.com

Party name: Generic Pharmaceutical Association

Martin S. Kaufman                      Atlantic Legal Foundation                      (914) 834-3322  
2039 Palmer Avenue  
Larchmont, NY 10538  
mskaufman@atlanticlegal.org

Party name: National Association of Manufacturers

Thomas J. Kowalski                      Vedder Price P.C.                      (212) 407-7700  
1633 Braodway, 47th Floor  
New York, NY 10019  
tkowalski@vedderprice.com

Party name: New York Intellectual Property Law Association

Jay P. Lefkowitz                      Kirkland & Ellis LLP                      (202) 879-5000  
655 Fifteenth Street NW  
Washington, DC 20005  
jlefkowitz@kirkland.com

Party name: Generic Manufacturers Upsher-Smith Laboratories, Inc., et al.

Mark A. Lemley                      William H. Neuman Professor                      (650) 723-4605  
Stanford Law School  
559 Nathan Abbott Way  
Stanford, CA 94305-  
mlemley@law.stanford.edu

Party name: 118 law, economics, and business professors and the American Antitrust Institute

|                    |                                                                                                    |                |
|--------------------|----------------------------------------------------------------------------------------------------|----------------|
| Robert A. Long Jr. | Covington & Burling LLP<br>1201 Pennsylvania Avenue, N.W.<br>Washington, DC 20004<br>rlong@cov.com | (202) 662-6000 |
|--------------------|----------------------------------------------------------------------------------------------------|----------------|

Party name: Shire PLC

|                   |                                                                                         |                |
|-------------------|-----------------------------------------------------------------------------------------|----------------|
| Kevin D. McDonald | Jones Day<br>51 Louisiana Ave., N.W.<br>Washington, DC 20001<br>kdmcdonald@jonesday.com | (202) 879-3939 |
|-------------------|-----------------------------------------------------------------------------------------|----------------|

Party name: Washington Legal Foundation

|                 |                                                                                                          |                |
|-----------------|----------------------------------------------------------------------------------------------------------|----------------|
| Scott L. Nelson | Public Citizen Litigation Group<br>1600 20th Street, N.W.<br>Washington, DC 20009<br>snelson@citizen.org | (202) 588-1000 |
|-----------------|----------------------------------------------------------------------------------------------------------|----------------|

Party name: Representative Henry A. Waxman

|                    |                                                                                                                                     |                |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Daniel B. Ravicher | Public Patent Foundation, Inc.<br>Benjamin N. Cardozo School of Law<br>55 Fifth Avenue<br>New York, NY 10003<br>ravicher@pubpat.org | (212) 790-0442 |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------|----------------|

Party name: Public Patent Foundation

|                       |                                                                                          |                |
|-----------------------|------------------------------------------------------------------------------------------|----------------|
| Lawrence D. Rosenberg | Jones Day<br>51 Louisiana Avenue, NW<br>Washington, DC 20001<br>ldrosenberg@jonesday.com | (202) 879-3939 |
|-----------------------|------------------------------------------------------------------------------------------|----------------|

Party name: Bayer AG and Bayer Corp.

|                 |                                                                                                                                  |                |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------|----------------|
| Howard R. Rubin | Katten Muchin Rosenman LLP<br>2900 K Street, NW<br>North Tower - Suite 200<br>Washington, DC 20007<br>howard.rubin@kattenlaw.com | (202) 625-3500 |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------|----------------|

Party name: Apotex, Inc.

|                   |                         |                |
|-------------------|-------------------------|----------------|
| Steve D. Shadowen | Hilliard & Shadowen LLC | (855) 344-3298 |
|-------------------|-------------------------|----------------|



39 W. Main Street  
Mechanicsburg, PA 17055  
steve@hilliardshadowenlaw.com

Party name: National Association of Chain Drug Stores

Kannon K. Shanmugam Williams & Connolly LLP (202) 434-5000  
725 Twelfth Street, N.W.  
Washington, DC 20005  
kshanmugam@wc.com

Party name: Merck & Co., Inc.

Robert P. Taylor Arnold & Porter LLP (202) 942-5000  
555 Twelfth Street, NW  
Washington, DC 20004-1206  
RobertTaylor@porter.com

Party name: Intellectual Property Owners Association

Barbara D. Underwood Solicitor General (212) 416-8016  
Office of the Attorney General  
120 Broadway, 25th Floor  
New York, NY 10463  
barbara.underwood@ag.ny.gov

Party name: New York, et al.

Kenneth W. Zeller 601 E Street NW (202)-434-2060  
Washington, DC 20049  
kzeller@aarp.org

Party name: AARP, et al.

December 29, 2014 | Version 2014.1

[Home](#) | [Help](#) | [Site Map](#) | [Contact Us](#) | [About Us](#) | [FAQ](#) | [Jobs](#) | [Links](#) | [Building Regulations](#)  
[Website Policies and Notices](#) | [Privacy Policy](#) | [USA.GOV](#)

**Supreme Court of the United States**