

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Jon Leibowitz, Chairman**
 William E. Kovacic
 J. Thomas Rosch
 Edith Ramirez
 Julie Brill

Statement Of The Federal Trade Commission
Concerning Subpoena Issued To Paul M. Bisaro

Today the Commission filed court papers in support of its petition to enforce a subpoena issued to Paul M. Bisaro, CEO of Watson Pharmaceuticals, Inc. The Commission's subpoena enforcement action followed its unanimous letter ruling, dated April 2, 2010, denying

and several generic drug companies to delay entry of generic versions of Provigil, a sleep disorder medication with nearly \$1 billion in annual U.S. sales. As the Commission has alleged in a related enforcement action against Cephalon, these agreements cost consumers hundreds of millions of dollars a year. The Commission has substantial and legitimate concerns about the purpose. The Com

between Watson and Cephalon has prevented Watson from relinquishing certain regulatory exclusivity rights. Such an agreement likely would be a *per se* antitrust violation and have enormous negative effects on consumers. For this reason, the Commission sought the testimony of Mr. Bisaro. The subpoena was not issued "to pressure Watson to relinquish any exclusivity rights it may have, and thereby attempt to engineer generic entry into the [Provigil] market," as Mr. Bisaro argued in his petition to quash the subpoena. The Commission continues to believe that it is entitled to Mr. Bisaro's testimony in this matter.