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No. 10-3458 and 3459 (Consolidated)

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

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FEDERAL TRADE COMMISSION and STATE OF MINNESOTA,  
Plaintiffs-Appellants,  
v.  
LUNDBECK, INC.,  
Defendant-Appellee

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BRIEF OF AMICICURIAE STATES OF MISSOURI, ILLINOIS,  
ARKANSAS, IOWA, MARYLAND, NEVADA, NEW MEXICO,  
NORTH DAKOTA, AND WEST VIRGINIA IN SUPPORT OF  
PLAINTIFFS-APPELLANTS

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**STATEMENT OF THE ISSUE**

**INTEREST OF AMICI CURIAE**

## ARGUMENT

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B. Physicians' preference for one drug over another, brand loyalty and product differentiation within a market are two separate markets.

C. Bedford Laboratories' forecasting is irrelevant in determining  
whether NeProfen and Indocin M are in the same market

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D. Speculation about cross-price elasticity of demand evidence that a court should consider, much less rely upon, is not practical





## CONCLUSION





