

**UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION**

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

**In the Matter of**

**PERRIGO COMPANY,  
a corporation;**

**and**

**PADDOCK LABORATORIES, INC.,  
a corporation.**

**Docket No. C-4329**

**COMPLAINT**

Pursuant to the Clayton Act and the Federal Trade Commission Act, and its authority thereunder, the Federal Trade Commission ("Commission"), having reason to believe that Respondent Perrigo Company ("Perrigo"), a corporation subject to the jurisdiction of the Commission, has agreed to acquire substantially all of the assets of Paddock Laboratories, Inc. ("Paddock"), a corporation subject to the jurisdiction of the Commission, in violation of Section

~~7 of the Clayton Act as amended, 15 U.S.C. § 19, and Section 5 of the Federal Trade~~



## II. RESPONDENTS

4 Respondent Perrigo is a corporation, organized existing and doing business under

g. testosterone gel 1 percent ("testosterone gel").

9. For the purposes of this Complaint, the United States is the relevant geographic area in which to analyze the effects of the Acquisition in the relevant lines of commerce.

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10 The ammonium lactate cream and lotion products are prescription moisturizers

15. Testosterone gel is a prescription gel used to treat adult males who have a deficiency or absence of testosterone. Abbott Laboratories ("Abbott") currently markets

testosterone gel under the Androgel brand name. Perrigo is one of a limited number of suppliers capable of entering this future market in a timely manner. Par Pharmaceutical Companies, Inc. has an agreement with Abbott relating to AndroGel that provides for Abbott to make substantial

1. \_\_\_\_\_, et al. v. Perrigo, Inc. This case concerns the relationship between Perrigo and Abbott that

the launch of Perrigo's product in the testosterone gel market; and (3) increasing the likelihood that the combined entity would delay or eliminate the substantial additional price competition that would have resulted from Perrigo's independent entry into the testosterone gel market.

### VIII. VIOLATIONS CHARGED

18. The Acquisition described in Paragraph 7 constitutes a violation of Section 5 of the FTC Act as amended, 15 U.S.C. § 45

19. The Acquisition described in Paragraph 7, if consummated, would constitute a violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, and Section 5 of the FTC Act, as amended, 15 U.S.C. § 45.

WHEREFORE THE PREMISES CONSIDERED, the Federal Trade Commission on this