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08 16 2018
591871

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Fqemg"Pq0";595"

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PUBLIC"

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VCDNG"QH"CWV J QTKVKGU"

Rcig*u+

United States v. Columbia Steel Co.."

PUBLIC

VCDNG"QH"CWV J QTKVKGU"

Rcig*u+

FQL" ("HVE."

INQUUCT ["QH"TG EQTF"TG HGTGPEGU"

KF"	Kpkkcn" Fgekukqp"
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UVCVGOGPV"QH"VJG"ECUG"

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Second. " v j g " t w n g " q h " t g c u q p " t g s w k t g u " r n c k p v k h h u " v q " p r o v e " v j c v " c " n g u u " t g u v t k e v k x g " c n v g t p c v k x g "

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rtqyg"vjcv"vjg"ejcmgpi gf"tguvtckpv"jcu"u"u"duvcpvkn"cpvkeq o rgvkvxg"ghhgev"vjcv"jct o u"eqpuw o gtu"
kp"vjg"tgngxcpv"o ctmgv00"Id0"Ugeqpf."kh"vjg"rncpvkhh"ecttkgu"kvu"dwtfgp."ðvjgp"vjg"dwtfgp"ujkhvu"vq"
vjg"fghgpfcpv"vq"ujqy"c"rtqeq o rgvkvxg"tcvkqpcng"hqt"vjg"tguvtckpv00"Id0"Vjktf."kh"ðvjg"fghgpfcpv"
o cmgu"vjku"ujqykpi."vjgp"vjg"dwtfgp"ujkhvu"dcem"vq"vjg"rncpvkhh"vq"fg o qpuvtcvg"vjcv"vjg"

rtqeq o rgvkvxg"ghhkekgpekgu"eqwnf"dg"tgcucpcdn{"cejkgxgf"vj tqw i j "nguu"cpç0"Ugeqp "fgvckp kgu00'

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1. A Payment is Not A Restraint

Vq"dg ikp." y jgp"Eq o rncpv"Eqwpugn"ceewugu"rctv{"qh"tguvtkpkpi"vtcfg."vjg"cewcn"õng icn"
swgukqp"dghqtg"]vjg"Eq o o kuukqp_"ku" y jgvjgto"Eq o rncpv"Eqwpugn"jcu"cfxcpegf"gxkfgpeg"vq"
õ o cmg"qwy"cxkqncvkqp"qh"Ujgt o cp"Cev"È"30ö"

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rc{ o gpv"cnqpg"fqgu"pqv"dkpf"qt"nk o kv"kp"cp{" y c{0""Eq o rncpv"Eqwpugn"eqpegfgf"cu" o wej"kp"kvu"
rquv/vtkcn"dtkgh<""õvjg"rc{ o gpv"qp"kvu"qyp"fqgu"pqv"vgejpkecn{"-tguvtckpø"K o rczøu"gpvt{0ö""EERVD"
8;0""Qp"cr r gcn"kv"wpfgtueqtgu"vjku"rqkp"kp"gzrnkekv"vgt ou."eqpvgpfkpi"vjcv"ðk o rcz"eqwnf"jcxg"
qdvckpgf"vjg"cuugtvgf"rtqeq o rgvkvkxg"dgpghkvu ô c"nkegpug"vq"cf fkvkqpcn"rcvgpvu"cpf"gpvt{"kp"

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ecp"cnuq"kpenwfg"tgncvfg"dgjcxkqt0""Id0"*õ]e_ngctn{."vjg"tguvtckpv"eqpukuvu"kp"cp{"ytkvvgp"qt"htqo"cn"
fqewogpvu"vjcv"ogogqtkcnk|g"vjg"tgngxcpv"ci tggogpvu"co qpi"vjg"rctvkguö+0"

Kp"tgxgtug/rc{ogpv"ecugu."vjk"ogcpu"vjcv"vjg"tgngxcpv"õtguvtckpvuö"ctg"vjg"ugvngogpv"
ci tggogpvu"cu"cyjqng."pqv"cp{"rctvkewnct"vgtoghqwpf"vjgtgkp0""See, e.g.."In re Lipitor Antitrust
Litig.." : 8: "H05f"453."467"*5f"Ekt0"4239+*"rnckpvkhu"öejcnnngpi]gfv"vjg"ugvngogpv"ci tggogpv"cu"cp"
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Wellbutrin XL Antitrust Litig.."355"H0"Uwr0"5f"956."974"*G0F0"Rc0"4237+*"ugvngogpvu"öctg"
ykvjqwv"swgukqp"]vjg_citggogpvu"kp"tguvtckpv"qh"vtcfögö"cv"kuuwg+0"

2. Complaint Counsel Challenges—and the Commission Must Consider—the Entire SLA

Vjku"eqpenwukqp"ku"rctvkewnctn{"vtwg"kp"vjg"rtgugpv"rtqeggfkipi u0""Eqornckpv"Eqwpugn"
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]_"ncwpej"ci"igpgtke"Qrcpc"GT"wpvkn"Lcpwct{"4235ö⁵ö cu"ygnn"cu"vjg"cnvqigvjgt"separate"FECD0"
EECD"35/36."56="see"Eqorn0"ÊÊ"6;/720""Kp"hcev."Eqornckpv"Eqwpugn"dwknv"kvu"ecug"qp"hcevqtu"vjcv"
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Uq"vqq"jgtg0""Ugvvng o gpv"ci tgg o gpvu"ctg"öpgi qvkcvgf"cu"c"y j qng."ci tggf"vq"cu"c"y j qng."cpf"
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dwukpguu"rtkqtkv { ö"y cu"gpuwtkpi "kv"eqwnf"ugnn"i gpgtke"Qrcpc"GT"htgg"htq o "rcvgpv"tkum0""THH"3480"
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Eqwpugn"uggmu"vq"kipqtg0""KFH"787/88="THH"348/52."367/790""Ceeqt fkp in { ."vjg"rtqxkukqpu"ecppqv"
dg"ugitgicvgf."cpf"Ko rcz"jcu"vjg"tkijv"vq"öqhhgt"ng ikvk o cvg"lwuvkhkecvkqpu"cpf"eq o g"htyctf"y kvj"
gxfgpeg"vjcv"vjg"challenged settlement"ku"kp"hcev"rtqeq o rgvkvkxg0ö""In re Cipro Cases I & II."56 : "
R05f" : 67. " : 8 ; /92"*Ecn0"4237+*"g o r j cuku"cffgf+06""

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q h " v j g " 0 e c p q p u " q h " g v j k e u . 0 " k p e n w f k p i " u r g e k h k e " t w n g u " c p f " n c y g t " r q n k e { " u v c v g o g p v u . " v j c v " v j g "

i q x g t p o g p v " e j c n n g p i g f " c u " c p " 0 w p n c y h w n " c i t g g o g p v 0 " " 6 5 7 " W 0 U 0 " c v " 8 : 5 / : 6 " (" p p 0 6 / 8 0 " " V j g " E q w t v "

w n v k o c v g n { " t g l g e v g f " f g h g p f c p v 0 u " u k p i n g " f g h g p u g 0 v j c v " e q o r g v k v k q p

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In re Niaspan Antitrust Litig.."64"H0"Uwr r0"5f"957."974"*G0F0"Rc0"4236+*"uc o g+0"

3. Impax Need Not Prove a “Link” to Any Specific Settlement Term

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*swqvcvkqp"q o kvvgf+0"Cu"vjg"Eq o o kuukqp"gzrnckpgf"kp" In re Polygram Holding, Inc.."358"H0V0E0" 532"*4225+. "c"tgu rppfgpv" o wuv"ctvkewncvg"ôc"urgekhe"nkpm0" y jgp"vjg"ejcnnpigu"eqpfwev"ku" ôkpjgtgpn{"uwurgevô ô cpf"vjg"Eq o o kuukqp"ôcxqkf]u_"hwmm"twng"qh"tgcuqp"cpn{"ukuô ô kp"qtfgt"vq" ôcxqkf"uw o o ct{"eqpfg o pcvkqp0"cpf"vkiigt"c"ô o qtg"fgvckngfö"tgxky 0"Id0"cv"566/720"Dwv"vjg" Uwr tgo g"Eqwtv"gzrtguun{"tglgevfg"vjku"swkem/nqqm"cr rtqcej" y kvj"tgurgev"vq"tgxgtug/rc{ o gpv" ugvnng o gpvu0"Actavis."792"W0U0"cv"37:/7;0"

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 rtqkukqpu."y jkej"rtxgpgvf" o gte jcpvu"htq o "fkueqwtc ikpi"vjg"wug"qh"C ogtkecp"Gzrtguu"ectfu0""
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In re Androgel Antitrust Litigation (No. II)."423:"YN"4: ; 6:95"*P0F0" I c0"Lwpg"36."423: +."
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 rc{ o gpv"vgt o 0""Id0"cv", 33"*g o r j cuku"cf f g f +0""Vj cv"ngcxgu"Eq o rncpv"Eqwpugn"vq"tgn{"qp"cfxqece{"
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Inc. v. Samsung Elecs. Co. Ltd.."423:"YN"37:8498."cv", 8.:"*P0F0"Ecn0"Cr t0"4."423: +"
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 ujqy"õng ikv o cvg"Iwvkhkecvkqpu"ctg"rtgugpv."vjgtgd{"gzrncpkpi"vjg"rtgugpeg"qh"vjg"ejcngpi gf"
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 y jgtg"rtqeq o rgvkvxg"Iwvkhkecvkqpu" o c{"hnqy"qt"qvjgt y kug"ecd kpu"jqy" fghgpfcpvu"õujqy]_"
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 y cu"pq"rc{ o gpv"qp"kvu"qyp."dvv"cp{"tguwnvki "agreement to stay out of the market0""Actavis."792"
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4. The Initial Decision Properly Considered the SLA as a Whole

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Ko rcz"rcvgrpv"nkvi cvkqp0ö"KF"367="KFH"797/: := "THH"3336."33640"

- Á Vjg"UNC"jcu"cevwcm{"ögpdcngf"Ko rcz"vq"ugm"kvu"igpgtke"Qrcpc"GT"wpkpvgttwrvgf"
ukpeg"Ko rcz"gpvgtgf"vjg"o ctmgv"kp"Lcpwct{"4235."y jkng"cmn"qvjgt"igpgtke"

"

Second. "K o rcz "did" rwtuwg"cp"cnvgtpcvkxg"ugvng o gpv" y kvj qwv"v j g" rwrqtvgf"rc{ o gpv"vgt ou"
 *v j g" Pq/C I "cpf"Gpfq"Etgfkv"rtqxkukqpu+0""Qp"v y q"fkhhgtgpv"qeecukqpu."K o rcz"rtqrqgfc"
 ug vng o gpv"cnq y kpi "K o rcz"vq"gpvgt" rtkqt"vq"v j g"gzrktcvkqp"qh"v j g"rcvgpvu/kp/uwkv."dvw" y kvj qwv"cp{ "
 qv jgt"vgt ou0""Gpfq"tglgevgf"v j g"rtqrqucn"dqvj"vk o gu0""KFH"338."3770""Cu" o wej"cu"Eq o rnckpv"
 Eqwpugn" y qwnf"nkmg"vq"ki pqtg"v j ku"tgcnkv{."kv"ecppqv0""C"rwrqtvgf"nguu"tguvtkevkxg"cnvgtpcvkxg"hcknu"
 kp"v j g"hktuv"kpucpeg" y j gp"v j g"t"ku"õevidence"v j cv"v j g"rtqhhgtgfc"cnvgtpcvkxg"j cu"dggp"vtkgf"dwv"
 hckngf0ö""Ctggfc."Antitrust Law"Ê"3;35d"*g o r j cuku"cf f g f+0""Kp f g g f." y j gp"v j g"qpn{ "õgxf gpeg"v j cv"
 f qgu"gzkuv"ewvu"ci ckpuv"v j g"rnckpvkhu"ø"xlgy.ö"kv"wpfgt o kpgu"rnckpvkhu"twng"qh"tgcuqp"ecug0""Am.
 Express."35: "U0"Ev0"cv"44: :="see"Ctggfc."Antitrust Law"Ê"3;35d"*õrnckpvkhu"ecppqv"dg"rgt o kvvgf"
 vq"qhht"rquukdng"nguu"tguvtkevkxg"cnvgtpcvkxgu" y j qug"ghkece{ "ku" o ckpn{ "c" o cvvgt"qh"ur gewncvkqpö+0"

Third. "Eq o rnckpv"Eqwpugnø"enck o "v j cv"tgs wtkpi "rtqqh"qh" c"nguu"tguvtkevkxg"cnvgtpcvkxg"
 õy qwnf"etgcvg"cp"cn o quv"k o rquukdng"uvcpfctf.ö"ecppqv"dg"tgeqpekngf" y kvj"v j g"nc y 0""EECD"47"
 *swqvcvkqp"q o kvvgf+0""V j g"Uwrtg o g"Eqwtv"tgs wtkgu"v j cv"rnckpvkhu"õfg o qpvtcvgö"v j g"gzkuv gpeg"qh" c"
 nguu"tguvtkevkxg"cnvgtpcvkxg0""Am. Express."35: "U0"Ev0"cv"44: 60""Cpf"v j g{ "o wuv"fq"uq"d{ "cv"ngcuv"õc"
 rtgrqpfgtcpeg"qh"v j g"gxkfgpeg0ö""Brown Univ.."7"H05f"cv"89; "*cnvgtpcvkxg" o wuv"dg"õxkcdngö+0""V j ku"
 o gcpu"v j cv"Eq o rnckpv"Eqwpugn"õj cu"v j g"dwtfgp"qh"cnng i kpi " P H W D@ P V S

"

Eq o rncpv"Eqwpugnøu"ekvcvkqp"vq"*In re Solodyn Antitrust Litigation*."423 : " YN"785366"*F0"
 Ocuu0"Lcp0"47."423 : +."fqu"pqv"eqwpugn"qv jgt y kug0""V jg"Solodyn"eqwv" y cu"pqv"cf f tguukp i" dwtfgpu"
 cv"v jg"v jktf"uvc i g"qh"v jg"twng"qh"tgcuqp."dwv"tcv jgt"v jg"gzkuvgpeg"qh"ecwucvkqp"hqt"rwtrqugu"qh"
 cpvktwuv"uvc fkp i 0""*Id0*"cv", 35."430⁹""Cpf"v jg"eqwv"fkf"pqv"ceegr v" j { r qv j gvkecn"cr rgcu"vq"
 ðeq o o qp"ugpug0ø""Kv"kpucv g f" gxcnwcvg f"v jg"ðf qew o gpvcvkqp"cp f"v jg"cf o kuukdng"gz rgtv"qrkpkquö"
 vq"cuuguu" y jgv jgt"rwtrqvtgf"ðdwv"hqtö"cnvgtpcvkxgu"etgcvgf" c"swgucvkqp"qh" o cvgtken"hcve0""*Id0*"cv", 43/
 450""Pqv j kpi"qh"v jg"uqtv"gzkuvu" jgtg0""*See, e.g.*"Pqnn."Vt0"36:6"*ð{qw"fqpv"pggf"vq"mpqy ö" y jgv jgt"
 v jgtg" y cu" rquukdng"cnvgtpcvkxg+="Dc |gt o cp."Vt0";36"*wpcdng"vq"uc { " y jgv jgt"cp { "cnvgtpcvkxg" y cu"
 ðrquukdngö+0""

Finally.Eq o rncpv"Eqwpugnøu"enck o "v jcv"ðk o rcz" j cu"pgxgt"ct i wgf"*ngv"cnqpg"qhhtgf"
 gxkfgpeg+"v jcv"kv"eqwnf"pqv" j cxg"ce jkgxgf"kvu"enck o gf"qdlgevkguö" y kv j"cp"cnvgtpcvkxg"ugvng o gpv"
 vwtpu"v jg"twng"qh"tgcuqp"qp"kvu" j gc f 0""EECD"470""Kv"ku"*Complaint Counsel's* dwtfgp"vq"rngcf"cpf"
 rtqxg" c"xkcdng"cpf"nguu"tguvtkevkg"cnvgtpcvkxg0""*Am. Express*."35 : "U0"Ev0"cv"44 : 6-"*In re McWane,*
Inc.."4236" YN"778483."cv", 58"*H0V0E0"Lcp0"52."4236+0""Cvvg o rvkpi"vq"ujkhv"v jg"dwtfgp"vq"Ko rcz"
 y qwnf"ðghhgevkg"gn { "tgs wktg"Jk o rcz_"vq"rtqxg" c"pg i cvkxg" r qvgpvkcnn { "eqxgtp i"cp" kphkpv g"pw o dgt"qh"
 rquukdknkvguö""Ctggfc."*Antitrust Law*"Ê3;36e0""V jg"Kpkvkn" Fgekukqp"tk i j vn { "eqpenwfgf"v jcv"
 Eq o rncpv"Eqwpugn"hcngf"kvu" dwtfgp"cv"v jg"v jktf"uvc i g"qh"v jg"twng"qh"tgcuqp0""KF"368/690"

.....

"⁹V jg"Hktuv"Ektekw."hqt"kvu"rctv."kpuvtwevu"v jcv"v jg"twng"qh"tgcuqp"tg r tguvpu" c"ðfkhkewnv"vcumö"
 hqt"rncpvkhhu"cpf"tgs wktg"v jcv"v jg { "gucdnu j"ðv jg"rquukdknv { "qh"ce jkgxkp i"v jg"Je q o rgvkvxg"
 dgpghkvu_"v j tqw i j"nguu"tguvtkevkg" o gcpu0ø""*August News Co. v. Hudson News Co.*"48 ; "H05f"63."6 ; "
 *3uv"Ekt0"4223+="*see Sullivan v. NFL*."56"H05f"32 ; 3."3325"*3uv"Ekt0"3 ; ; 6+*"fgp { kpi"uw o o ct { "
 lwf i o gpv"qpn { " y jgp"ðtgeqt f"eqpvckpu"gxkfgpeg"qh" c"nguu"tguvtkev

"

E0 Vjg"Uwduvcpvkc"Rtqeq o rgvkvxg"Dgpgkhvu"Qwvygki j"Cp{"Rwtrqtvgf"Jct o "

Cv"vjg"hkpcn"uvc i g"qh" jku"cpn{uku."vjg"CNL"ö y gk i j]gf_"vjg"cpvkeq o rgvkvxg"cpf"

rtqeq o rgvkvxg"ghhgevu"qh"vjg"UNCö"cpf"eqpenwfgf"vjcv"vjg"ugvng o gpv"ö y cu."qp"dcncpeg."

rtqeq o rgvkvxg0ö""KF"369."37:0""Eq o rncpv"Eqwpugn"enck o u"vjcv"jku"eqpenwukqp"ecppqv"uvcpf"

dgecwug"*3+öcp"ci tgg o gpvøu"ng i cnkv{"u j qwnf"dg"lwf i g f"cu"qh"vjg"vk o g"kv"ku"gpvgtgf.ö" y kv j qwv"

eqpukfgtcvkkp"qh"j q y "vjg"ci tgg o gpv"cevwcn{"chhgevu"eqpuw o gtu"vjgtgchvgt."cpf"*4+"vjg"

ögnk o kpcvkkp"qh"vjg"tkum"qh"eq o rgvkvkqö"ku"uw h h k e k g p v"vq"eqpfg o p"vjg"UNC."gxgp"kh"K o r cz"pgxgt"

öcevwcn{"y qwnf"j cxg"gpvgtgf"gctnkgtoö""EECD"480""Dqv j "ct i w o gpvu"hckn0"

1. There are no Temporal Limitations on Rule-of-Reason Analysis

Eq o rncpv"Eqwpugn"pqv"qpn{"uggmu"vq"nk o kv"htq o "where"kp"c"ejcmngp i g f"ci tgg o gpv"

rtqeq o rgvkvkxg"dgpghkvu" o c {"hndy".dvw"cnutg @

uug"c

"

Rgvkvkqpgt"cv"54."Ohio Express"Ev0"123:+"*Page 3676+"*g
cf fgf+0""kpuvgcf."vjg qwtv"gcd cvgf" y jg g t"vjg d gg o gpvu cf"cp"cewcr angev o"eqpuw d tu"
kp"vjg"fgecfgu"ukpeg g"ci tgg pvu"y g ktuv"gzge gf."eqpe fki"vjcv"õw for the agreement.
have been in place

070300

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*3; :5+."v j g"Eq o o kuukqp"eqpukfgtgf" rquv/ci tgg o gpv"ko rcevü."kpenwfkpi "v j cv"õfgpvca"kpawtcpeg"
eq o rcpkgu"y gtg"wpcdng"vq"qdvckp"z/tc{u"y kvj"v j g"tgi wnctkv{"cpf"htgswgpe{"}v j g{"_ "fguktgfö"cpf"
v j cv"ö]y _kvj kp"qpg"{gctö"Cgvpc"j cf"gz rgtkgpegf"öc"dcemnqi "qh"cr

"

Creative Leather Prods., Inc. v. PSKS, Inc.

"

2.

"

õCpvtwuv"klwt{ö ô v j g"egpvtcn"ngng o gpv"qh"õcpvtwuv"uvcpfkpi ö ô gpuwtgu"vj cv"vj g"
 rnckpvkhhøu"klwt{ "ku"qh"õv j g"v{ rg"vj g"cpvtwuv"nc y u" y gtg"kpvgpfgf"vq" rtgxgpv0ö"*Brunswick Corp. v.*
Pueblo Bowl-O-Mat, Inc.."64;"W0U0"699."6: ;"3;99+0""V j g"klwt{ " o wuv"õhnqy]_ "htq o "v j cv"y j ke j "
 o cmgu" fghgpfcpvuø"cev u"wpnc y hwnö"cp f"õtghngev"vj g"cpvkeq o rgvkvxg"ghhgev"]_ "qh"vj g" xkqncvkqp0ö"*Id*0"
 V j ku" gpuwtgu"vj cv" c" rnckpvkhh" f qgu"pqv" tgegkxg" fc o c i gu"õhqt"nquugu"uv g o o k p i "htq o "eqpvkpwgf"
 eq o rgvkvkqpö"qt"cp{ "qv j gt"dg j cxkqt"vj cv." y j kng" j ct o hwn"vq" rnckpvkhh" rgtuqpcmn{ ." f qgu"pqv"cevwcmm{ "
 tghngev"cp"cpvkeq o rgvkvxg"ghhgev0"*Atl. Richfield Co. v. USA Petroleum Co.*."6;7"W0U0"54: ."556"
 *3; ;2+0"

Eq o rnckpv"Eqwpugn"pggf"pqv" i tcr ring" y kv j "v j gug"v j tgu j qnf" tgs wktg o gpvu" dgecwug" v j g"
 i qxgtp o gpv" ecp" cn y c { u" gphqteg" kvu" q y p" nc y u0"*Vt. Agency of Nat. Res. v. United States ex rel.*
Stevens."74;"W0U0"987."994"*4222+*"Wpkvgf"Uvcvgu"uw hgtu"klwt{ /kp/hcev"õhtq o "xkqncvkqp"qh"kvu"
 nc y uö+0""Dwv"vj g" hcev"vj cv"Eq o rnckpv"Eqwpugn"ku" c"õrtqrgt" rctv{ ö"vq" dtkpi "cp"cpvtwuv"cev kqp"kp"vj g"
 hktuv"kpucpeg"uc{ u"pqv j kpi "cdqww"kvu"uwduvcpvxg"dwt fgp"vq" rtq xg"cp"cpvtwuv"xkqncvkqp." y j ke j "ku" c"
 õfkuvkpev" o cvgt]_ "v j cv" o wuv"dg"u j q y p"kp fgrgpfgpvn{ 0ö"*Atl. Richfield.*"6;7"W0U0"cv"5660""Cpf"vq"
 rtq xg"vj cv" c" e j c n n g p i g f" c i t g g o g p v" k u" c p" w p t g c u q p c d n g" t g u v t c k p v" w p f g t" v j g" t w n g" q h" t g c u q p."
 Eq o rnckpv"Eqwpugn"must" rtq xg"õ j ct O O O v c P W R E Q X L Q J X

"

eq o rgvkvkqp"cpf"vjgtgd{"tguvtckp"vtcfg="kv"õku"vjg"xgt{"guugpeg"qh"gxgt{"eqpvtcev0ö""Nat'l Soc.."657"

4238+*uk o knct+= "In re Aggrenox Antitrust Litig.."4237" YN"667;829."cv", 32*F0"Eqpp0"Lwn{ "43."
4237+*uk o knct+0"

Uvknn."gxxgp"kh"vjg" o gtg"gnk o kpcvkqp"qh" r qvgpvkcn"hwvwtg"eq o rgvkvkqp" y cu"uwhhkekgpv"vq"
guvcdnkuj"eq i pk | cdng" j ct o "wp fgt"vjg"twng"qh"tgcuqp."vjcv" y qwnf"pqv"kvugnh"eqpuvkvwvg"cp"cpvktwuv"
xkqncvkqp0""Eq o rnckpv"Eqwpugn" y qwnf"uvknn"jcxg"vq"rtqxs"vjcv"vjg"enck o gf"cpvkeq o rgvkvkxg"ghhgevu"
qwy y gki j "cnn"eqwpvgtxcknki "rtqeq o rgvkvkxg"dgpghkvu0""Cpf"cu"fkuewuugf"dgnqy."vjg"CNL"tki j vn{"
eqpenwfgf"vjcv"vjg"UNCøu"tgcn/ y qtnf"eqpuw o gt"dgpghkvu"qwy y gki j "cp{"gnk o kpcvkqp"qh"vjgqgkveca"
cpf"wpnkmg{"eq o rgvkvkqp0"

3. The Initial Decision Properly Balanced the Competitive Effects

Vjg"CNL"fkf"pqv"øuk o rn{"nqqm]_"cv" y jgvjgt"vjg"ngpi vj "qh"vk o g"K o rcz" y cu"rgt o kvvgf"vq"dg"
qp"vjg" o ctmgv"rtkqt"vq"gzrktcvkqp"qh"vjg"nkegpugf"rcvgpvu"gzegfgf"vjg"ngpi vj "qh"vk o g"K o rcz"
citggf"vq"uc{"qhh"vjg" o ctmgv0ö""EECD"550""Cu" a h0_ ed

R f" a h j "Ug" o gniv] kghg"U koctf \$ p]] O

"

54"*õvjg"swgukqo o gu/ g g f u â gu

"

"

cpvkeq o rgvkvxg"ghhgevu"qp" o ctmgv" rtkekp i 0 " " Agnew v. NCAA."8:5"H05f"54:."557"*9vj "Ekt0"4234+=" see"Assam Drug Co. v. Miller Brewing Co.."9; : "H04f"533."538"*:vj "Ekt0"3; : 8+*"uc o g+0""

oUwduvcpvkn" o ctmgv" r q y g t o " e q p u g s w g p v n { " o k u " c p " k p f k u r g p u c d n g " k p i t g f k g p v " q h " g x g t { " e n c k o " w p f g t " v j g " h w m n " T w n g " q h " T g c u q p 0 " " Chi. Prof'l Sports Ltd. P' ship v. NBA."; 7"H05f"7; 5."822"*9vj "Ekt0" 3; ; 8+0"" Cp f " c " r n c k p v k h h o u " h c k n w t g " v q " r t q x g " o c t m g v " r q y g t " t g s w k t g u " l w f i o g p v " k p " h c x q t " q h " f g h g p f c p v u 0 " " Capital Imaging Assocs., P.C. v. Mohawk Valley Med. Assocs., Inc.." ; ; 8"H04f"759."768/69"*4f" Ekt0"3; ; 5+*"chhkt o k p i " u w o o c t { " l w f i o g p v " h q t " n c e m " q h " o c t m g v " r q y g t " k p " j q t k | q p v c n / t g u v t c k p v " e c u g + = " Rothery Storage & Van Co. v. Atlas Van Lines, Inc.."9; 4"H04f"432."44; *F0E0"Ekt0"3; : 8+*"uc o g+0"" V j k u " k u " p q " n g u u " v t w g " k p " t g x g t u g / r c { o g p v " e c u g u . " y j k e j " o w u v " d g " r t q x g f " o c u " k p " q v j g t " t w n g / q h / t g c u q p " e c u g u 0 " " Actavis."792"W0U0"cv"36; .37; *o c p v k v t w u v " s w g u v k p o " o w u v " d g " c p u y g t g f " y k v j " t g h g t g p e g " v q " o v t c f k v k q p c n " c p v k v t w u v " h c e v q t u . o " k p e n w f k p i " o c t m g v " r q y g t o + = " see " In re Nexium (Esomeprazole) Antitrust Litig.." : 64"H05f"56."6; *3uv"Ekt0"4238+*"uc o g+=" Wellbutrin."355"H0"Uwr r0"5f"cv"976/77" *uc o g+0"

Ceeqtfkpin{."vjg"CNLø"uw i i g u v k p p " v j c v " o c t m g v " r q y g t " o c { " p q v " d g " c " o p p e g u u c t { " g n g o g p v " q h " c " t g x g t u g " r c { o g p v " u g v v n g o g p v " e j c m g p i g o " h k p f u " p q " u w r r q t v " k p " v j g " n c y 0 " " K F " 35; 0 " " E q o r n c k p v " E q w p u g n " c i t g g u 0 " " E E C D " 32 " p 0 5 0 " " G x g p " v j g " e c u g u " e k v g f " k p " v j g " k p k v k n " F g e k u k q p " * K F " ; 8 + " c h h k t o " v j g " e g p v t c n k v { " q h " o c t m g v " r q y g t 0 " " See King Drug."9; 3"H05f"cv"633/34"*o v t c f k v k q p c n o " t w n g " q h " t g c u q p " c r n k g u . " y j k e j " t g s w k t g u " o c t m g v " r q y g t + = " In re Aggrenox Antitrust Litig.."3; ; "H0"Uwr r0"5f"884."888" *F0"Eqpp0"4238+*" o c t m g v " r q y g t " g u u g p v k n . " d w v " e c p " d g " r t q x g f " f k t g e v n { " y k v j " g x k f g p e g " v j c v " d t c p f " e q w n f " o r t q h k v c d n { " e j c t i g " u w r t c e q o r g v k v x g " r t k e g u " q x g t " c " u w u v c k p g f " r g t k q f o + = " Cipro."56: "H05f"cv" : 95*"wpfgt"Ecnkhqtpkc"nc y . " o c t m g v " r q y g t " e c p " d g " r t g u w o g f " h t q o " c " n c t i g " t g x g t u g " r c { o g p v . " d w v " f g h g p f c p v u " o c { " t g d w v " r n c k p v k h h o u " p r i m a f a c i e " u j q y k p i + 0 "

"

D0 Vjg"Kpkvken" Fgekukqp" Fkf" Pqv" Cr rn{ "Vtc fkvkqpcn" Cpvkvtwuv" Uvepfctfu"

Y cz o cp"tg i wncvqt {"htc o gy qtm."cpf"*5+"Gpfqøu"cnng i gf"tgxgtug" rc { o gpv"vq"K o rcz0""KF"3:."35 ; / 630""Pqpg"qh"vjgug"hcevqtu"uwr rqtvu"c"pcttqy" o ctmgv" fghkpkvkqp"qt" c" hkp fki "qh" o ctmgv" r q y gt0"

1. Patents Do Not Bestow Market Power

Vjg"CNL"uvcvqf"vjcv"ðvjg"rcvqpvu"cv"kuuwg"kp"vjg"K o rcz"kphtkpi g o gpv"ecug" i cxg"Gpfq"vjg" r q y gt"vq"gzewfg"eq o rgvkvqtu.ð"cpf"vjcv"ðr jct o cegwvkecn"rcvqpvu"qhvgp"ectt {" y kvj "vjg o " o ctmgv" r q y gt0""KF"3:."35 ; .3630"" J q y g x g t . " v j g " p q v k q p " v j c v " r c v q p v u " d g u v q y " o c t m g v " r q y g t " d g e c w u g " v j g { " c m n q y " d t c p f / p c o g " f t w i " e q o r c p k g u " v q " ð g z e n w f g " e q o r g v k v q t u ð " k u " e k t e w n c t 0 "" V j g " u v c v w v q t { " t k i j v " q h " g z e n w u k q p " k u " p q v " g s w k x c n g p v " v q " o c t m g v " r q y g t " u n l e s s " q p g " c u u w o g u " v j c v " * 3 + " v j g " r c v q p v u " c t g " x c n k f " c p f " * 4 + " q p n { " n k v g t c n " e q r k g u " q h " v j g " d t c p f g f " f t w i " ð i . e . . " r t q f w e v u " v j c v " y q w n f " k p h t k p i g " v j g " d t c p f " e q o r c p { ø u " r c v q p v u " ð e q w p v " c u " ð e q o r g v k v q t u 0 0 "" C f f c p m k . " V t 0 " 4 5 6 5 " * ð] V _ q " v j g " g z v g p v " v j c v " q v j g t " n q p i / c e v k p i " q r k q k f u " e q o r g v g f " y k v j " Q r c p c " G T . "] G p f q ø u _ " r c v q p v u " j c f " p q " c d k n k v { " v q " d n q e m " v j g o 0 ð + 0 "

Dwv"nkvgtcn"gswxncngpeg"ku"pqv"vjg"uvcvqfctf"d {" y j k e j " o c t m g v u " c t g " f g n k p g e v g f 0 "" Du Pont . " 5 7 3 " W 0 U 0 " c v " 5 ; 5 = " s e e A b b v i e . " P q 0 " 3 6 / 7 3 7 3 . " u n k r " q r 0 " c v " 8 6 " * ð r g t h g e v " e q t t g u r q p f g p e g ö " p q v " t g s w k t g f + = M y l a n P h a r m . , I n c . v . W a r n e r C h i l c o t t P u b . L t d . C o . " 4 2 3 7 " Y N " 3 9 5 8 ; 7 9 . " c v " , 3 2 " * G 0 F 0 " R c 0 " C r t 0 " 3 8 . " 4 2 3 7 + " * ð u w d v n g " f k h h g t g p e g u ö " k t t g n g x c p v + 0 "" T g e q i p k | k p i " v j k u . " v j g " U w r t g o g " E q w t v " j c u " t g l g e v g f " v j g " ð : r c v q p v " g s w c n u " o c t m g v " r q y g t 0 " r t g u w o r v k q p 0 0 "" Ill . T o o l W o r k s I n c . v . I n d e p . I n k , I n c . " 7 6 9 " W 0 U 0 " 4 : . " 6 6 " * 4 2 2 8 + = " s e e " N . P a c . R y . C o . v . U n i t e d S t a t e s . " 5 7 8 " W 0 U 0 " 3 . " 3 2 " p 0 : " * 3 ; 7 : + 0 "" V j g " E q o o k u k q p " j c u " r w v " k v " v j k u " y c { < "" ð C n v j q w i j " v j g " k p v g n n g e v w c n " r t q r g t v { " t k i j v " e q p h g t u " v j g " r q y g t " v q " g z e n w f g " w i t h r e s p e c t t o a s p e c i f i c p r o d u c t , p r o c e s s , o r w o r k i n q u e s t i o n . " v j g t g " y k n n " q h v g p " d g " u w h h k e k g p v " c e v w c n " q t " r q v g p v k c n " e n q u g " u w d u v k v w v g u " h q t " u w e j " r t q f w e v . " r t q e g u u . " q t " y q t m " v q " r t g x g p v " v j g " g z g t e k u g " q h " o c t m g v " r q y g t 0 0 "" F Q L " (" H V E . " A n t i t r u s t G u i d e l i n e s f o r t h e L i c e n s i n g o f I n t e l l e c t u a l P r o p e r t y " È " 4 0 4 " * 4 2 3 9 + " * g o r j c u k u " c f f g f + 0 ""

Vjg"ci gpekguø"gzrncpcvkqp"crvn {" fguetkdgu"vjg"NCQ" o ctmgv."cpf" kfgpvkhkgu" c" hcvn" hncy" kp" vjg"CNLøu" o ctmgv" r q y g t " h k p f k p i 0 "" V j g " h c e v " v j c v " G p f q ø u " r c v q p v u " r t g x g p v g f " q v j g t u " h t q o " u g n k p i "

"

*swqvkpi "792"W0U0"cv"379+0""Htq o "v jku."v jg"CNL"tgcuqpgf"v jcv"Gpfqøu"cmng i gf"rc { o gpv"vq"K o rez"ku"

õuvtqpi "rtqhqh"Gpfqøu" o ctmgv"rqygt"kp"v jg"tgngxcpv" o ctmgv0ö"

2. LAOs are Economic Substitutes

V j g t g e q t f h w t v j g t k p f k e c v g u v j c v N C Q u e q o r g v g f q p r t k e g c p f c t g t g c u q p c d n g g e q p q o k e u w d u v k v w v g u o k v k u k o r g t c v k x g v j c v v j g J E q o o k u u k q p . k p f g v g t o k p k p i v j g t g n g x c p v o c t m g v . v c m g k p v q c e e q w p v v j g g e q p q o k e c p f e q o o g t e k n t g c n k v k g u q h v j g r j c t o c e g w v k e c n k p f w u v t { 0 0 F T C v . C a r d i n a l H e a l t h , I n c . 3 4 H 0 U w r r 0 4 f 5 6 . 6 8 * F 0 F 0 E 0 3 ; ; : + = s e e A m . E x p r e s s . 3 5 : U 0 E v 0 c v 4 4 : 7 * o c t m g v f g h k p k v k q p o w u v o t g h n g e v] e q o o g t e k n t g c n k v k g u o V j g r j c t o c e g w v k e c n k p f w u v t { 0 u w p k s w g k p u v k v w v k q p c n h g c v w t g u o g c p v j c v c p { e q o r g v k v k q p y k n n r n c { q w v c v v j t g g n g x g n u < r c v k g p v . r t g u e t k d g t . c p f r c { q t 0 V j g t g e q t f u j q y u h k g t e g e q o r g v k v k q p c o q p i N C Q u c v g c e j n g x g n 0

At the patient level. NCQ o c m g t u q h h g t g f o e q r c { e q w r q p u o c p f q v j g t f k u e q w p v u v q c w t c e v r c v k g p v u d { t g f o e p i v j g t q w q e r q e m g p f e g u 0 T H H : ; ; / ; 3 7 0 C u G p f q c r v n e g # n O

c o q p q r q n k e f c p f n f N C Q u p q v _ e q p q k w u v k v w v g u q v j g t n e g u c t p e H c K 0 ! * g

"

47="see" Mylan."4237" YN"3958;79."cv",32*"tgngxcpv" o ctmgv"kpenwfgf"cmn"qtcn"vgtce{enkpgu."gxgp"
 vjqw i j" fghgpfcpvuø"cfxgtvkug o gpvu"øg o r j c u k | g f"v j c v" F q t { z"ku"uwr g t k q t"v q"q v j g t"q t c n"
 vgtce{enkpguö+0""Kp"cf fkvkqp"vq"cfxgtvkukpi"cpf"rtq o qvkqp."NCQ" o cmgtu"enuq"kphqt o g f"r j { u k e k c p u"
 cdqvw"htq o w n c t { " r n c e g o g p v" c p f" e q r c { " c u u k u v c p e g" r t q i t c o u ô v j g" r t k o c t { " f g v g t o k p c p v u" q h"
 r c v k g p v u ø" q w v / q h / r q e m g v" e q u v u 0 "" T H H" : ; 4 / ; : = " T Z / 2 3 8 0 2 2 2 4 " c v" ; 9 = " T Z / 6 6 7 0 2 2 4 3 / 4 4 0 "" V j k u"
 o g u u c i k p i " y q w n f" d g" p q p u g p u k e c n" k h" n q y g t" r t k e g u" f k f" p q v" k p f w e g" u w d u v k v w v k p p 0 "" See Town Sound &
 Custom Tops, Inc. v. Chrysler Motors Corp..";7;"H04f"68:.:6:2*5f"Ekt0"3; ;4+*"rtkeg/dcugf"
 e q o r g v k v x g" c f x g t v k u k p i " u w r r q t v g f" d t q c f" o c t m g v" f g h k p k v k p p = " t g l g e v k p i " u k p i n g / d t c p f" o c t m g v"
 f g h k p k v k p p + 0 "" K p f g g f. " h q t o w n c t { " e q x g t c i g" c p f" e q r c { u" r n c { " c" o c l q t" t q n g" k p" f g e k f k p i " y j k e j" N C Q" v q"
 r t g u e t k d g 0 "" T H H" 9 7 2 / 9 4 = " T Z / 7 6 ; * O k e j p c" T g r 0 " Ê Ê" 4 3. " 7 4 / 7 5 + 0 "

At the payor level."NCQ" o cmgtu"qhhtgf"fkueqwpvu"vq"kpwtgtu ô y j k e j"v{rkecm{"rc{"vjg"
 n k q p ø u" u j c t g" q h" c" f t w i ø u" r t k e g ô h q t" v j g" g z r t g u u" r w t r q u g" q h" ö k o r t q x] k p i _" h q t o w n c t { " c e e g u u 0 ö "" T Z /
 2 3 6 0 2 2 2 4 = " s e e" T H H" : 3 : / 9 9 0 "" V j g u g" f k u e q w p v u" y g t g" f k t g e v n { " k p h n w g p e g f" d { " e q o r g v k v q t u ø" r t k e k p i 0 ""
 See, e.g.."EZ5428/224"*fkuewuukpi"øcp"cf fkvkqpcn"33 " "fkueqwpv"qp"Qrcpc"GTö"vq"öcejkgxg"
 r t k e k p i " r c t k v { " y k v j" Q z { E q p v k p ö + = " T Z / 2 9 5 0 2 2 2 4 " c v" 8 3 * e q o r c t k p i " Q r c p c" G T" c p f" Q z { E q p v k p

"

Lwuv"cu"ko rqtvcpv."vjg"tgeqtf"kpfkcevgu"vjcv"d{"ykppki"hcxqtcnq"hqto wnct{"rnceg o gpv"cv"ce"
eqo rgvkvqtøu"gzrpgug."NCQ"o cpwhcevwgtu"eqwnf"ugewtg"vjgkt"õitgcvguv"ujctg"ickpu0ö""TZ/
29502224"cv"550""Cu"lwuv"qpg"gzco rng."y jgp"vjg"Wpkxgtukv{"qh"Rkvvudwti"Ogfkecn"Egpgvt."c"o clqt"
jgcnvj"u{uvgo."ejcpigf"kvu"hqto wnct{"vq"rtghgtgpeg"Qrcpc"GT"qxgt"Qz{Eqpvkp."nearly 70 percent"
qh"Qz{Eqpvkp"rcvkgpvu"uykvejgf"vq"cp"cnvgtpcvkxg"NCQ."ykvj"Qrcpc"GT"vvknk|cvkqp"gzrcpfki"
cn o quv *twelve-fold*""TZ/2:9="THH"985/8:0""Vjku"tgcny qtnf"gxkfgpeg"qh"etquu/gncuvkekv{"qh"

"

3.

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cu"eq o r gvkvtuö"uwr rqtvgf"dtqcf" o ctmgv" fghkpkvkqp+= "Mylan."4237" YN"3958 ; 79."cv" , ; "*uk o knct+= "
United States v. Bazaarvoice, Inc.."4236" YN"425 ; 88."cv" , 44"*P0F0"Ecn0"Lcp0" : ."4236+ "*uk o knct+0"

4. The Commission Previously Concluded Opana ER Competed Against Other LAOs in the Same Market

V jg"tgeqtf"kp"vjku"ecug"ku"eqpukuvgpv"y kvj"vjg"Eq o o kuukqpøu"qyp"hkpfkpi u0""Kp"422 ; . "vjg"
{ gct"dghqtg"vjg"UNC" y cu"uk i pgf."vjg"Eq o o kuukqp"kf gpvkhkgf" c" o ctmgv"eqpukuvkpi "qh"övjg"
o cpwhcevwtg"cpf"ucng"qh"qtcn"NCQuöö""See"Eq o rn0"Ê"34."In re King Pharm., Inc. & Alpha
Inc.."Pq0"E/6468"*H0V0E0"Hgd0"4."422 ; +0""V jg"Eq o o kuukqp" fghkpgf"öqtcn"NCQuö"vq"kpenw fg"
öqtcn{/cf o kpkuvtgf"gzvgpfgf/tgngcug"hqt o wncvkqpu"qh"0"0"0"qz { eqfppg." o qtr j kpg"uwnhcvg]._"cpf"
qz { o qtr j qpgöö""Id0"Ê"30³⁵"Kp"kvu"rwdnku jgf"cpn { uku"qh"vjg"Mkp i lCnr jct o c"eqpugpv" fgetg."vjg"
Eq o o kuukqp"uvcvgf"vjcv"cnvjqw i j"öqtcn"NCQu"ctg"dcugf"qp"fkuvkpev"ejg o kecn"eq o r qwpfu"0"0"0"cn"
qh"vjgug"rtqfwevu"jcxg"vjg"uc o g" o ge j cpku o u"qh"cevkqp."uk o knct"kp fkecvkqpu."uk o knct" fquc i g"

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F0 GpfqPgxt"Jcf"OctmgvRqygt"kp"c"Rtqrgtn{/Fghkpgf"NCQ"Octmgv"

Htqo"Lcpwct{"422;"vjtqwij"Fgegodgt"4234."Qrcpc"GTøu"ujctg"qh"vjg"NCQ"octmgv"pgxt"

gxgp"tgcejgf"32"rgtegpv0"THH"32240"kv"ku"õkpeqpegkxcdngö"vjcv

"

ctg" o cvgtkcn0""kp" hcev. "dqvj" o gfkecn"gzrgtvu"eqpvtcfkevfg" Ft0" Pqnn. "vguvkh{ kpi "vjcv"pq"NCQ"ku"
 uwr gktqt"cpf"vjcv"rckp"rj {ukekcpu"jcxg"cejqkeg"co qpi "pwogtqwu"rtqfwewu0""THH"8; :/932."94; /
 6; .; 45/5; .; 94/980""kp"rtcevkeg."qrkqfu"ctg"rtguetkdgf"kpvgtejcpigcdn{ "vq"vtgcv"ueqtgu"qh"
 fkcipqugu0""THH"942/44="TZ/769"*Cffcpmk" Tgr0"Ê"86."Gz0"6+0""Cp{ "okpqt"vjgtrgwvke"
 fkuvkpevkqpu"fq"pqv"etgcv"cp"cpvktwuv" o ctmgv0""See Mylan."4237" YN"3958; 79."cv" , :/ ; *vguvk o qp{ "
 vjcv" Fqt{ z"jcf"öwpkswg"ejctcevgtkuvkeu"vjcv"fkhhgtgpvkv"kv"htqo "qvjgt"cpvkdqkveu.ö"uwej"cu"kvu"
 öukfg/ghhgev"rtqhkng.ö"fkf"pqv" fghgcv"eqpenwukqp"vjcv"öcnn"qtcn"vgvtce{ enkpgu"vtgcv"cepg"ykvj"uk o knct"
 ghhgev kxgpguu"cpf"uq"ctg"kpvgtejcpigcdng"htq"vjcv"rwt rqugö+="Abbvie." Pq0"36/7373."unkr"qr0"cv"86"
 *ötgnvkvxg"cfxcpcv"igucp"fkucfxcpvc"igü"kttgngxcpv="ötwij" gswkxcngpegö"ycu"y jcv" o cvwtgfg"vq"
 dtqcf" o ctmgv" fghkpkvkqp" kpenwfkpi "cm"vtcpufgt o cn"vguvquvgtqpg"tgrnceg o gpv"vjgtrkgu+0"

Switching costs, if any, are low. " Ft0" Pqnn"encko gf"vjcv"öuykvej kpi "equvu.ö"uwej"cu"vjg"
 pggf"vq"vcrgt"qhh"qpg"ftwi" y jkn"kvkvcvki "wr"qp"cpqvjgt."uwr rqtv"jku"pcttqy" o ctmgv" fghkpkvkqp0""
 Pqnn."Vt0"35 : :/ ; 20""Dwv"cu" Ft0" Pqnn"cf o kvvgf."jg"fkf"pqv" o gcuwtg"qt" swcpvkh{ "vjgug"uwr rqugf"
 equvu="jg" o gtgn{ "encko gf"vq"kf gpvkh{ "vjg o 0""THH" ; : 80""Eq o rnckpv"Eqwpugn"ecppqv"tgn{ "qp"uwej "
 coqtrjqwu"encko u0""See SMS Sys. Maint. Servs., Inc. v. Dig. Equip. Corp.."3 : : "H05f"33."42"*3uv"
 Ekt0"3 ; ; ; +*tglgevki "encko "y jgp"vjgtg"ycu"pq"gxkfgpeg"vjcv"öcngigf"uykvej kpi "equv"ku"
 o cvgtkcnö+="Commercial Data Servers, Inc. v. IBM Corp.."484"H0"Uwr r0"4f"72."8 : /8 ; *U0F0P0 [0"
 4225+*"uk o knct="pq"öewuvq o gtu"y jq"ycpvfg"vq"ngcxgö"öygtg"wpcdng"vq" oki tcvg"fwg"vq"jki j"
 uykvej kpi "equvuö+0"

Ft0" Pqnn"cnuk"kipqtgf"vjg"vguvk o qp{ "qh"dqvj" o gfkecn"gzrgtvu." y jkej "kpfkecvgu"vjcv"
 uykvej kpi "equvu ö vq"vjg"gzvgrp"vjgtg"ctg"cp{ ö fq"pqv" o cmg"uykvej kpi "k o rtcevkecn0""THH"956/66."
 99 : / : 6="TTHH"883/86="see Commercial Data Servers."484"H0"Uwr r0"4f"cv"8 ; *kpswkt{ "ku" y jgvjgt"
 uykvej kpi "equvu"ö o cmg" oki tcvkqp" k o rtcevkecnö+0""Eq o rnckpv"Eqwpugnøu" o gfkecn"gzrgtv"chhkt o gf"

"

v j cv"u y kve j k p i "ku"qh v g p "öuk o r n g.ö" c p f"v j cv"u j g"j g t u g n h"j c u"never"d g g p" w p c d n g"v q"u y k v e j" c" r c v k g p v" h t q o"Q r c p c" G T"v q" c p q v j g t" N C Q 0" T H H" 9 5 6. " 9 5 : 0" K h" u y k v e j k p i " e q u v u" y g t g" j k i j" g p q w i j" v q" o c m g" u y k v e j k p i " k o r t c e v k e c n. " t q v c v k q p" v j g t c r { " y q w n f" p q v" d g" c" x k c d n g" v t g e v o g p v" q r v k q p. " o w e j" n g u u" c" ö x g t { " k o r q t v c p v" e n k p k e c n" v q q n. ö" c u" E q o r n c k p v" E q w p u g n ö u" g z r g t v" f g u e t k d g f" k v 0" T H H" 9 9 5 / 9 9 0"

Endo's pricing communications do not support a narrow market definition." F t 0" P q n n"

c p f" E q o r n c k p v" E q w p u g n" c u u g t v g f" v j c v" G p f q ö u" r t k e k p i" f q e w o g p v u" h q t" Q r c p c" G T" ö t c t g n { " e q p u k f g t g f" v j g" r t k e g u" q h" q v j g t" f t w i u ö" P q n n. " V t 0" 3 5 ; 4 / ; 6 = " E E R V D" 7 6 0" C u" u w r r q t v. " F t 0" P q n n" r q k p v g f" v q" c" j c p f h w n" q h" e j g t t { / r k e m g f" G p f q" f q e w o g p v u" v j c v" f k u e w u u" Q r c p c" G T" ö u" n k u v" r t k e g u" * m p q y p" c u" Y C E" r t k e g u + 0" T H H" : 5 5 = " T H H" 9 4 3. " 9 5 9. : 8 8 / 8 9. : 9 5 / 9 ; 0" C u" F t 0" P q n n" c f o k v v g f. " j q y g x g t. } [REDACTED] ; " T H H" : 5 7 0" } [REDACTED] ; " T H H" : 5 6 / 5 7 = " C f f c p m k. " V t 0" 4 4 ; 2 0" C p f" y j g p" k v" e c o g" v q" v j g" r t k e g u" v j c v" e q p u w o g t u" c p f" k p u w t g t u" c e v w c n n { " r c k f. " G p f q" d i d" f k u e w u u" e q o r g v k v q t u ø" r t k e k p i 0" " S e e, e. g. " T Z / 2 4 : 0 2 2 3 3 * f k u e w u k p i" e q o r g v k v q t u ø" ö] c _ i i t g u u k x g" e q w r q p k p i ö + = " E Z 5 4 2 8 / 2 2 4 * f k u e w u k p i" R w t f w g ö u" f k u e q w p v u" v q" r c { q t u + = " T Z / 2 9 5 0 2 2 2 4" c v" 5 5 * f k u e w u k p i" Q r c p c" G T" ö u" ö] c _ f x c p v c i g f"] h _ q t o w n c t { "] u _ v c v w u" x u 0" Q z { E q p v k p ö + = " s e e a l s o" T H H" ; 6 2 0 } 3 6"

LAO makers' promotional efforts do not support a narrow market definition." F t 0" P q n n"

c u u g t v g f" v j c v" N C Q" o c m g t u ø" r t q o q v k q p c n" g h h q t v u" ö h q e w u g f" r t k o c t k n { " q p" r t q f w e v" f g h k p k v k q p. ö" y j k e j" j g" v j k p m u" ö w p f g t o k p] g u _ . " t c v j g t" v j c p" g p j c p e] g u _ . " r t k e g" e q o r g v k v k q p 0" P q n n. " V t 0" 3 5 ; 6 = " E Z 7 2 2 6" * P q n n" T g d w v v c n" T g r 0" Ê" 7 5 + 0" D w v" v j g" p g g f" v q" f k h h g t g p v k c v g" y c u" f t k x g p" d { " v j g" h c e v" v j c v" N C Q u" ö c t g" p q v" x g t { " f k h h g t g p v k c v g f ö" v q" d g i k p" y k v j 0" T Z / 2 4 5 0 2 2 2 4 = " T H H" ; 8 2 / 9 2 0" K p" c p { " g x g p v. " ö o q u v" r t q f w e v" f k h h g t g p v k c v k q p" f q u" p q v" k p f k e c v g" u w d u v c p v k n" o c t m g v" r q y g t" h q t" c p { q p g. ö" u k p e g" g x g p" ö j k i j n { "

.....
" ³⁶ G p f q" c n u q" f k u e w u u g f" e q o r g v k v q t u ø" Y C E" r t k e g u. " f g u r k v g" v j g" t g n c v k x g" w p k o r q t v c p e g" q h" v j q u g" r t k e g u 0" " S e e, e. g. " E Z 4 8 9 5 / 2 2 : = " T Z / 2 9 5 0 2 2 2 4" c v" 9 4 0"

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FCVGF<"Cwiwuv"32."423:

/s/ Benjamin J. Hendricks

Notice of Electronic Service

I hereby certify that on August 16, 2018, I filed an electronic copy of the foregoing Respondent Impax Laboratories, LLC's Answering Brief, with:

D. Michael Chappell
Chief Administrative Law Judge
600 Pennsylvania Ave., NW
Suite 110
Washington, DC, 20580

Donald Clark
600 Pennsylvania Ave., NW
Suite 172
Washington, DC, 20580

I hereby certify that on August 16, 2018, I served via E-Service an electronic copy of the foregoing Respondent Impax Laboratories, LLC's Answering Brief, upon:

Bradley Albert
Attorney
Federal Trade Commission
balbert@ftc.gov
Complaint

Daniel Butrymowicz
Attorney
Federal Trade Commission
dbutrymowicz@ftc.gov
Complaint

Nicholas Leefer
Attorney
Federal Trade Commission
nleefer@ftc.gov
Complaint

Synda Mark
Attorney
Federal Trade Commission
smark@ftc.gov
Complaint

Maren Schmidt
Attorney
Federal Trade Commission
mschmidt@ftc.gov
Complaint

Eric Sprague
Attorney
Federal Trade Commission
esprague@ftc.gov
Complaint

Jamie Towey
Attorney
Federal Trade Commission
jtowey@ftc.gov

Complaint

Chuck Loughlin
Attorney
Federal Trade Commission
cloughlin@ftc.gov
Complaint

Alpa D. Davis
Attorney
Federal Trade Commission
adavis6@ftc.gov
Complaint

Lauren Peay
Attorney
Federal Trade Commission
lpeay@ftc.gov
Complaint

James H. Weingarten
Attorney
Federal Trade Commission
jweingarten@ftc.gov
Complaint

Edward D. Hassi
O'Melveny & Myers, LLP
ehassi@omm.com
Respondent

Michael E. Antalics
O'Melveny & Myers, LLP
mantalics@omm.com
Respondent

Benjamin J. Hendricks
O'Melveny & Myers, LLP
bhendricks@omm.com
Respondent

Eileen M. Brogan
O'Melveny & Myers, LLP
ebrogan@omm.com
Respondent

Stephen McIntyre
O'Melveny & Myers, LLP
smcintyre@omm.com
Respondent

Rebecca Weinstein
Attorney
Federal Trade Commission
rweinstein@ftc.gov
Complaint

Garth Huston
Attorney

Federal Trade Commission
ghuston@ftc.gov
Complaint

I hereby certify that on August 16, 2018, I served via other means, as provided in 4.4(b) of the foregoing Respondent Impax Laboratories, LLC's Answering Brief, upon:

Markus Meier
Attorney
Federal Trade Commission
mmeier@ftc.gov
Complaint

Edward D. Hassi
Attorney
Debevoise & Plimpton LLP
thassi@debevoise.com
Respondent

Eileen Brogan
Attorney