

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

**COMMISSIONERS:**                      **Edith Ramirez, Chairwoman**  
   **Julie Brill**  
   **Maureen K. Ohlhausen**  
   **Terrell McSweeney**

**In the Matter of:**

**CONCORDIA PHARMACEUTICALS INC.,  
a corporation;**

**CONCORDIA HEALTHCARE CORP,  
a corporation;**

**PAR PHARMACEUTICAL, INC.,  
a corporation; and**

**PAR PHARMACEUTICAL HOLDINGS,  
INC.,  
a corporation..**

**Docket No. C-4554**

**DECISION AND ORDER  
(PAR)**

The Federal Trade Commission (“Commission”) having initiated an investigation of certain acts and practices of Par Pharmaceutical, Inc. and Par Pharmaceutical Holdings, Inc. (collectively “Respondents”) and Concordia Pharmaceuticals Inc. and its parent Concordia Healthcare Corp. (collectively “Concordia”) and, Respondents having been furnished thereafter with a copy of a draft of Complaint that the Bureau of Competition proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge Respondents with violation of Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45; and

Respondents, their attorneys, and counsel for the Commission having thereafter executed an Agreement Containing Consent Order (“Consent Agreement”), containing an admission by each Respondent of all the jurisdictional facts set forth in the aforesaid draft of Complaint, a statement that the signing of said Consent Agreement is for settlement purposes only and does

not constitute an admission that the law has been violated as alleged in such Complaint, or that the facts alleged in such Complaint, other than jurisdictional facts, are true, and waivers and other provisions as required by the Commission's Rules; and

The Commission having thereafter considered the matter and having determined that it has reason to believe that Respondents have violated the said Act, and that a Complaint should issue stating its charges in that respect, and having thereupon issued its Complaint, and having accepted the executed Consent Agreement and placed such Consent Agreement on the public record for a period of thirty (30) days for the receipt and consideration of public comments, now in further conformity with the procedure described in Commission Rule 2.34, 16 C.F.R. § 2.34, the Commission hereby makes the following jurisdictional findings and enters the following Decision and Order ("Order"):

1. Respondent Par Pharmaceutical, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at One Ram Ridge Road, Chestnut Ridge, NY 10977. Par Pharmaceutical, Inc. is a wholly-owned subsidiary of Par Pharmaceutical Companies, Inc. and a wholly-owned indirect subsidiary of Par Pharmaceutical Holdings, Inc.
2. Respondent Par Pharmaceutical Holdings, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware with its office and principal place of business located at One Ram Ridge Road, Chestnut Ridge, NY 10977. Par Pharmaceutical Holdings, Inc. is a parent of Par Pharmaceutical Companies, Inc. and Par Pharmaceutical, Inc.
3. The Federal Trade Commission has jurisdiction over the subject matter of this proceeding and over Respondents, and the proceeding is in the public interest.

## **ORDER**

### **I.**

**IT IS ORDERED** that, as used in this Order, the following definitions shall apply:

- A. "Respondents" means Par Pharmaceutical Inc., Par Pharmaceutical Companies, Inc., Par Pharmaceutical Holdings, Inc., all joint ventures, subsidiaries, divisions, groups, and affiliates controlled by Par Pharmaceutical Inc., Par Pharmaceutical Companies, Inc. or Par Pharmaceutical Holdings, Inc., and the respective directors, officers, employees, agents, representatives, successors, and assigns of each, including, but not limited to, successors to Par Pharmaceutical Inc., Par Pharmaceutical Companies, Inc., and Par Pharmaceutical Holdings, Inc.
- B. "Concordia" means Concordia Healthcare Corp., a corporation organized, existing and doing business under and by virtue of the laws of the Province of Ontario, with its office and principal place of business located at 277 Lakeshore Road East, Suite 302, Oakville, Ontario, L6J 1H9; and its subsidiary Concordia Pharmaceutical Inc. a corporation

organized, existing and doing business under and by virtue of the laws of the Country of

- M. “Orange Book” means the “Approved Drug Products with Therapeutic Equivalence Evaluations” published by the FDA under the FFDC Act, 21 U.S.C. § 301 et seq.
- N. “Relevant Employee” means an employee whose responsibilities include, either directly or in a supervisory capacity, business development, pricing, marketing, and sales.

## **II.**

**IT IS FURTHER ORDERED** that in connection with any actions in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44, Respondents shall cease and desist from, either directly or indirectly, or through any corporate or other device:

- A. Enforcing or attempting to enforce Paragraph 2(e) of the Concordia License Agreement



United States subsidiary, or their