Prepared Remarks of Jonathan Nuechterlein
General Counsel, Federal Trade Commission

1. The FTC Programs Underlying *North Carolina Dental*, *Phoebe*, and *Actavis*

North Carolina Dental

Superior Court Trial Lawyers' Association[4] and Ticor Title.[5]

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[4] FTC v. Superior Ct. Trial Lawyers' Ass'n, 493 U.S. 411 (1990).

[5] FTC v. Ticor Title Ins. Co., 504 U.S. 621 (1992).

[6] FTC Office of Policy Planning (Sept. 2003).

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[13] During the FTC and DOJ

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[10] See United States v. Long Island Jewish Med. Ctr.

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FTC v.

Actavis

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[14] Improving Health Care: A Dose of Competition: A Report by the Federal Trade Commission and the Department of Justice (July 2004),

Since the 1990s, the FTC has [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] As [illegible] Commission [illegible]

[illegible] [illegible] [illegible] It [illegible]

[illegible] Section 6([illegible]) [illegible] [illegible]

[illegible] It [illegible] [illegible]

[illegible][18] It [illegible] [illegible]

[illegible] Congress [illegible] [illegible]

[illegible] FTC.[19] And in 2003, the

Commission [illegible] [illegible] [illegible]

[illegible] Schering-Plough [illegible] [illegible]

[illegible][20]

But [illegible] the FTC [illegible]

[illegible] In 2005, the Eleventh [illegible] Circuit [illegible] [illegible]

Schering-Plough [illegible] "[illegible]" [illegible]

[illegible][21] The Second Circuit

and Federal Circuit [illegible] [illegible] [illegible][22] And the Supreme Court [illegible]

[illegible]

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[18] FTC, Generic Drug Entry Prior to Patent Expiration (July 2002), http://www.ftc.gov/[illegible]

[19] Medicare Prescription Drug, Improvement, and Modernization Act of 2003, § 1112, 117 Stat. 2461-62.

[20] Opinion of the Commission, Schering Plough Corp., FTC Docket No. 9297 (2003).

[21] Schering-Plough Corp. v. FTC, 402 F.3d 1056, 1065-66 (11th Cir. 2005).

[22] In re Tamoxifen Citrate Antitrust Litig., 466 F.3d 187, 213 (2d Cir. 2006); In re Ciprofloxacin Hydrochloride Antitrust Litig., 544 F.3d 1323, 1336 (Fed. Cir. 2008).