

Dissenting Statement of Commissioner Maureen K. Ohlhausen
In the Matter of Endo Pharmaceuticals Inc.,
File No. 1410004
March 31, 2016

Based on evidence reflected in the complaint, I have reason to believe that the Defendants violated Section 5 of the FTC Act by entering into pay for delay agreements. I do not believe however, that it serves the public interest to seek disgorgement in this case¹

The better course would be to pursue this matter administratively. The Part III process grants the Commission a unique tool to advance the law. Employing it would allow the Commission to render a thoughtful decision applying the Act's standard, providing much needed guidance to courts and firms around the country

¹ Cf. FTC v. Cephalon, Separate Statement of Maureen K. Ohlhausen & Joshua D. Wright, May 28, 2015, <https://www.ftc.gov/public>