

Interlocutory Orders, Etc.

IN THE MATTER OF

ENDO INTERNATIONAL PLC

Docket No. C-4539. Order, October 27, 2017

Letter notifying Endo International plc of the Commission's decision to waive prior approval and public comment regarding modifications to the supply agreement.

LETTER WAIVING PRIOR APPROVAL AND COMMENT FOR
MODIFICATIONS TO A SUPPLY AGREEMENT

Michael J. Sheerin, Esq.
Skadden, Arps, Slate, Meagher & Flom LLP

Re: In the Matter of *Endo International plc*, Docket No. C-4539

Dear Mr. Sheerin:

This letter refers to an application for approval that Endo International plc filed on October 11, 2017, which requested Commission approval of a proposed amendment to the Supply Agreement, incorporated by reference into the Decision and Order entered into in this case.

After consideration of Endo's application and pursuant to the authority delegated to me under Rule 2.41(f)(5)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 2.41(f)(5)(ii), I hereby waive the requirements for Commission approval and the public comment period for the amendment to the Supply Agreement between Vintage Pharmaceuticals, LLC d/b/a Qualitest Pharmaceuticals and Rising Pharmaceuticals, Inc., described in Endo's application.

If you have further questions, please contact Ben Lorigo, the Compliance staff attorney assigned to this matter. Ben Lorigo can be reached at 202-326-3717 or slorigo@ftc.gov.

Interlocutory Orders, Etc.

IN THE MATTER OF

IMPAX LABORATORIES, INC.*Docket No. 9373. Order, October 27, 2017*

Opinion and Order denying Complaint Counsel's Motion for Partial Summary Decision.

OPINION AND ORDER OF THE COMMISSION

By Acting Chairman Maureen K. Ohlhausen, for the Commission:

On January 19, 2017, the Commission issued an administrative complaint alleging that a litigation settlement agreement between Impax Laboratories, Inc. ("Impax") and Endo Pharmaceuticals, Inc. ("Endo") was an anticompetitive agreement in violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45. The Complaint alleges that Impax agreed to abandon a legal challenge of Endo patents and to delay launching its generic version of an Endo drug (Opana ER) in exchange for a large, unjustified "reverse payment" from Endo.

In its Answer to the Complaint,¹ Impax asserts an affirmative defense that the challenged conduct had substantial procompetitive justifications, benefited consumers, and avoided infringement of valid patents. Answer at 21. Impax further

¹ This opinion uses the following abbreviations for citations to the record:

Comp.: Complaint

Answer: Answer of Respondent Impax Laboratories Inc. to the Federal Trade Commission's Administrative Complaint

CCB: Memorandum of Law in Support of Complaint Counsel's Motion for Partial Summary Decision

CCSUF: Complaint Counsel's Statement of Undisputed Facts

CCRSMF: Complaint Counsel's Reply to Impax Laboratories Inc.'s "Statement of Material Facts That Remain in Dispute"

ROB: Respondent Impax Laboratories, Inc.'s Memorandum of Law in Opposition to Complaint Counsel's Motion for Partial Summary Decision

RSMF: Respondent Impax Laboratories, Inc.'s Statement of Material Facts that Remain in Dispute