

United Therapeutics Corp. Prevails over Sandoz in Preliminary Injunction Proceedings

February 2020

On January 29, 2020, the U.S. District Court for the District of New Jersey **ruled in favor** of Williams & Connolly client United Therapeutics Corp. (“UTC”), rejecting generic drug-maker Sandoz’s attempt to enjoin UTC from enforcing the exclusivity provisions in UTC’s supply contract with cartridge manufacturer Smiths Medical ASD, Inc. Sandoz had argued that the exclusivity provisions unfairly prevented it from launching a generic version of UTC’s top-selling pulmonary arterial hypertension (PAH) drug, Remodulin.

In denying the motion for preliminary injunction, the Court held that the Plaintiffs had failed to demonstrate they were likely to succeed on the merits. Among other things, the Court agreed with the Defendants that the rule of reason—not an abbreviated “quick-look” mode of analysis—governs the antitrust claims in this lawsuit, and that the Defendants had demonstrated a legitimate procompetitive rationale for the challenged restraints. The Court noted that Sandoz and RareGen “produced no evidence UTC’s purchase of [the cartridges for the CADD-MS3 system] was motivated by or intended to forestall Sandoz’s entry into the subcutaneous market.” Rather, United Therapeutics made a significant investment under an its agreement with Smiths Medical that ensured the CADD-MS3 pump would continue to be available to deliver Remodulin for a period of time after Smiths Medical announced discontinuation of the pump.

Williams & Connolly continues to serve as lead counsel for UTC defending against Sandoz’s antitrust claims.

The team representing United Therapeutics includes partners **Ted Bennett**, **Ed Barnidge**, **Jonathan Pitt**, **Bryan Wilson**, and **Adrienne Van Winkle**.

Press Contacts

Edward Bennett

ebennett@wc.com

D 202-434-5083

Edward Barnidge

ebarnidge@wc.com

D 202-434-5340

Jonathan Pitt

jpitt@wc.com

D 202-434-5341

C. Bryan Wilson

bwilson@wc.com

D 202-434-5428

Adrienne Van Winkle

avanwinkle@wc.com

D 202-434-5850