

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FEDERAL TRADE COMMISSION,

Plaintiff,

vs.

ABBVIE INC., et al.,

Defendants.

Case Number: 2:14-CV-5151-HB

**Plaintiff Federal Trade Commission's
Motion for Reconsideration**

Plaintiff Federal Trade Commission hereby moves this Court to reconsider and vacate its May 6 decision and order dismissing the FTC's reverse payment claim (Doc. Nos. 81 and 82) in light of the Third Circuit's recent decision in *King Drug Co. of Florence, Inc. v. SmithKline Beecham Corp.*, No. 14-1243, --F.3d--, 2015 WL 3967112 (3d Cir. June 26, 2015). Pursuant to Local Rule 7.1, this motion is based upon the Memorandum in Support of Plaintiff Federal Trade Commission's Motion for Reconsideration, dated July 20, 2015, and submitted herewith. A proposed order also accompanies this motion.

Dated: July 20, 2015

Respectfully submitted,

/s/ Patricia M. McDermott
Patricia M. McDermott
Markus H. Meier
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580
(202) 326-2569
pmcdermott@ftc.gov

*Attorneys for Plaintiff
Federal Trade Commission*

Certificate of Service

I hereby certify that on July 20, 2015, I caused Plaintiff Federal Trade Commission's Motion for Reconsideration, the supporting memorandum, and accompanying proposed order to be filed with the United States District Court for the Eastern District of Pennsylvania using the ECF system. I certify that I also caused these filings to be served on all counsel of record via electronic mail.

/s/ Patricia M. McDermott
Patricia M. McDermott

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FEDERAL TRADE COMMISSION,

Plaintiff,

vs.

ABBVIE INC., et al.,

Defendants.

Case Number: 2:14-CV-5151-HB

[Proposed] Order

AND NOW, this ____ day of _____, 2015, **IT IS HEREBY ORDERED** that:

1. Plaintiff Federal Trade Commission's Motion for Reconsideration is **GRANTED**;
and
2. the Court's May 6 decision and order dismissing the FTC's reverse payment claim (Doc. Nos. 81 and 82) are **VACATED** and Count II of the complaint and Count I of the complaint to the extent Count I is premised on the settlement agreements that resolved *Abbott Products Inc. v. Teva Pharmaceuticals USA, Inc.*, Civil Action No. 11-384 (D. Del.) are **REINSTATED**.

BY THE COURT:

The Honorable Harvey Bartle, III
United States District Court Judge