



## Healthcare antitrust, settlements, and the Federal Trade Commission [

Langenfeld, James,

editor

Galeano, Edwin,

editor

Emerald Publishing,

2018

Monografía

This volume of Research in Law and Economics contains articles that address important legal and economic developments in the areas of healthcare, intellectual property and labor settlements, competitive effects, cartel overcharges, and the U.S. Federal Trade Commission ("FTC")

<https://rebiunoda.pro.baratznet.cloud:28443/OpacDiscovery/public/catalog/detail/b2FpOmNlbGVicmF0aW9uOmVzLmJhemF0ei5yZW4vMjYxOTA3ODc>

---

**Título:** Healthcare antitrust, settlements, and the Federal Trade Commission Recurso electrónico] edited by James Langenfeld, Edwin Galeano

**Edición:** 1st ed

**Editorial:** Bingley, UK Emerald Publishing 2018

**Descripción física:** 1 recurso online

**Mención de serie:** EBSCO Academic eBook Collection Complete Research in law and economics volume 28

**Bibliografía:** Incluye referencias bibliográficas e índice

**Contenido:** Front Cover; Healthcare Antitrust, Settlements, and the Federal Trade Commission; Copyright Page; Contents; About the Editors; List of Contributors; Acknowledgments; Introduction; "To Know Where You're Going, Look at Where You've Been"; Introduction; Pharmaceuticals: A Case of FTC Investment and Consumption; Provider Mergers: Clear Guidance from Litigated Cases; No Need for Special Rules for Healthcare Markets; ACKNOWLEDGMENT; Notes; References; Actavis, Authorized Generics, and the Future of Antitrust Law; Introduction; Background; Merits Analysis; Hatch-Waxman Background Applying Merits Analysis to Hatch-WaxmanPre-Actavis Analysis of Hatch-Waxman Settlements; Federal Trade Commission v. Actavis; Understanding Actavis; Bribing Generics to Stay Out of the Market; Hypotheticals; H1. The Litigants' Expectations about Litigation are Correct; H2. The Parties Both Believe that the Brand Holds a "Strong" Patent; H3. No Alignment in Expectations; H4. Pessimistic Litigants Split the Patent Life with No Net Reverse Payment; H5a. The Brand Prevailed in a Litigation Challenging Patent Validity but Settles a Second Challenge H5b. The Settlement

Fails and the Parties Continue to LitigateH6. No Alignment in Expectations but Risk Aversion Leads to Settlements; H7a. Efficiencies; H7b. Efficiencies; Some Conclusions Derived from the Hypotheticals; Without Legal Limitations, There Will Be Anticompetitive Hatch-Waxman Settlements; Actavis Abandons the Preponderance-of-the-Evidence Standard for Determining Anticompetitive Effects; If the Parties' Expectations Are Correct, Absent Risk Aversion, on Average, Consumers Are Often No Better Off with the Acta ... ; Not Accounting for Risk Profiles May Harm Consumers Actavis Relies on Intent EvidenceActavis Relies on the Intent of the Brand, Not Necessarily the Generic; If the Parties' Expectations Are Not Correct, the Actavis Solution May Make Consumers Worse Off than Merits Analysis; Even in a Settlement without a Net Reverse Payment, One of the Parties May Intend to Achieve an Anticompetitive Effect; Actavis Circumvents Other Elements of Conventional Antitrust Analysis; A Red Flag Is Central to the Actavis Methodology; There Is No Easy Means of Balancing Efficiencies against Anticompetitive Effects Using the Actavis Methodology Additional Unresolved Actavis IssuesAntitrust Injury; Damages; The Slippery Slope of Mt. Actavis; The No-AG Agreement; Applying Actavis to Difficult IP/Antitrust Cases; Antitrust Guidelines for the Licensing of Intellectual Property; Actavis beyond the IP /Antitrust Interface; Where Are We Going?; Notes; Acknowledgment; References; Solving the Product-Hopping Conundrum through Safe Harbors and a No-Economic-Sense Test; Introduction; Product Hopping; Forms of Product Hopping; Hatch-Waxman Act; State Drug Product Selection Laws; Timing of Generic Entry; A New Product-Hopping Framework

**Detalles del sistema:** Forma de acceso: World Wide Web

**ISBN:** 9781787565999 1787565998 9781787566019 1787566013 9781787566002 1787566005

**Autores:** Langenfeld, James, editor Galeano, Edwin, editor

---

## **Baratz Innovación Documental**

- Gran Vía, 59 28013 Madrid
- (+34) 91 456 03 60
- [informa@baratz.es](mailto:informa@baratz.es)