

THE FUTURE OF REVERSE PAYMENT SETTLEMENTS:

Insider's Guide to Imminent Antitrust Policy Changes

Wednesday,
June 17, 2009

1:00 p.m. to 2:30 p.m.
Eastern

12:00 p.m. to 1:30 p.m.
Central

11:00 a.m. to 12:30 p.m.
Mountain

10:00 a.m. to 11:30 a.m.
Pacific

Venue: Online Webinar

Featuring Thomas Barnett, former Assistant Attorney General in charge of the Justice Department's Antitrust Division, co-chair of Covington & Burling's Antitrust & Consumer Law Practice Group
Meredyth Smith Andrus, Federal Trade Commission, Bureau of Competition
Moderated by Robert Rhoad, Co-Leader of Crowell & Moring's Health Care Litigation Team

The debate over reverse payment settlements is heating up in Washington and garnering increased scrutiny from all sides. The long-brewing challenges threaten to culminate in a policy change that is going to affect how you do business.

This 90 minute comprehensive overview of the present status of the law on patent settlements will walk you through an in-depth analysis of the key issues in the debate and the positions of the DoJ and the FTC. The panelists will address what you can anticipate over the coming months, and essential insights on:

- Recent controversial judicial developments and possible Supreme Court review
- The emerging position of the Obama Administration and new Justice Department
- Enforcement forecast: what we can expect to see from the FTC?
- Pending legislation: Protecting Consumer Access to Generic Drugs Act of 2009



THOMAS BARNETT, Partner, Covington & Burling LLP

Thomas Barnett is a partner in the Washington, DC office and co-chair of the firm's Antitrust & Consumer Law Practice Group. He specializes in global antitrust and competition law practice and works closely with the firm's white collar practice on criminal antitrust enforcement and investigative matters.

Mr. Barnett recently served as Assistant Attorney General in charge of the Justice Department's Antitrust Division. He headed the Antitrust Division from 2005 to 2008, having previously served in the Division as Deputy Assistant Attorney General for Civil Enforcement from 2004 to 2005. During his tenure, Mr. Barnett was involved in some of the largest and most complicated criminal matters in the Division's history, including investigations and prosecutions that involved coordination with multiple competition authorities in other jurisdictions. In the merger area, Mr. Barnett oversaw the review of all mergers investigated by the Division and supervised more than 30 cases filed in federal district court. He also oversaw an active competition advocacy program that included numerous *amicus* briefs filed with the U.S. Supreme Court on antitrust issues and comments to a wide range of federal and state agencies. He argued before the U.S. Supreme Court as *amicus* on behalf of the United States in *Bell Atlantic Corp. v. Twombly* and testified several times before Congressional committees.

While at the Antitrust Division, Mr. Barnett worked with international antitrust authorities throughout the world and served in leadership positions in key international competition organizations, such as chairing the Working Party on International Cooperation and Enforcement of the OECD Competition Committee and serving on the Steering Committee of the International Competition Network.

Mr. Barnett received the Edmund Randolph Award, the U.S. Department of Justice's highest honor, for his service in the Division.

Prior to 2004, Mr. Barnett was a leader in the firm's Antitrust & Consumer Law Practice Group. He counseled Fortune 500 companies on all aspects of antitrust law and was involved in mergers and acquisitions, government antitrust investigations, and antitrust litigation involving a wide range of industries. He served as an adjunct professor at Georgetown University Law Center, teaching a course on antitrust and intellectual property issues in sports in 2001 and 2003, and as a co-teacher of an advanced antitrust seminar at the University of Virginia Law School multiple times between 1991 and 2004.

MEREDYTH SMITH ANDRUS, Attorney, Federal Trade Commission

Meredyth Smith Andrus is an Attorney with the Health Care Division of the Federal Trade Commission, Bureau of Competition. Prior to joining the FTC in September 2006, Ms. Andrus was an Assistant Attorney General in the Antitrust Division of the Maryland Office of the Attorney General. She has been in antitrust enforcement for twenty years, primarily in the health care field. Prior to joining the government, she practiced commercial litigation with Semmes Bowen & Semmes in Baltimore. Ms. Andrus has taken a prominent role in numerous multistate and joint federal/state investigations and prosecutions in the pharmaceutical industry, including *State of Connecticut, et al. v. Mylan Laboratories, et al.*, *In re Buspirone Antitrust Litigation*, *State of Ohio, et al. v. Bristol-Myers Squibb Company, State of Maryland, et al. v. Perrigo Company, et al.*, *State of Maryland, et al. v. SmithKline Beechum Corp., et al.* and *State of Colorado, et al. v. Warner Chilcott Holdings Company III, LTD, et al.* Most recently, Ms. Andrus was the lead attorney in the FTC's AndroGel investigation.

She earned her JD in 1985 from Cornell Law School, her BA in 1978 from Cornell University and her MFA in dance in 1981 from Sarah Lawrence College. She is admitted to the bars of the State of Maryland, the U.S. District Court for the District of Maryland, the U.S. Court of Appeals for the Fourth Circuit and the U.S. Supreme Court.

ROBERT T. RHOAD, Partner, Crowell & Moring LLP

Robert Rhoad is a partner resident in the Washington, DC office of Crowell & Moring LLP and is active in the firm's Health Care and Antitrust Groups. He is Co-Leader of the firm's Health Care Litigation Team and his primary area of specialization relative to the health care and pharmaceutical industries is complex litigation involving claims of anticompetitive conduct/antitrust issues. Prior to joining Crowell & Moring, Mr. Rhoad Chaired the Health Care Group of a national law firm and, prior to that, served for nearly 6 years as an attorney/officer in the Navy JAG Corps in successive assignments as Prosecutor, Defense Counsel, and Civil Litigation Attorney.


Mr. Rhoad has represented clients in numerous high profile cases involving the health care and pharmaceutical industries, including *Health Care Services Corp, Inc., et al. v. Mylan Pharmaceuticals, Inc., et al.*; *In re Vioxx Marketing Fraud Litigation*; *In re Plavix Direct Purchaser Antitrust Litigation*; *In re Plavix Indirect Purchaser Antitrust Litigation*; *In re: Oxycontin Antitrust Litigation*; *In re Buspirone Direct Purchaser Antitrust Litigation*; *In re Buspirone Indirect Purchaser Antitrust Litigation*; *Oncology & Radiation Associates, P.A. v. Bristol Myers Squibb Co., et al.*; *Blue Cross Blue Shield of Michigan, et al. v. Aventis S.A., et al.*; *In re Cardizem CD Litigation*; *In re Lorazepam & Clonazepam Litigation*; *Blue Cross of California, et al. v. SmithKline Beecham, et al.*; and *In re Synthroid Marketing Litig.*

Mr. Rhoad earned his LL.M. in 1999 from The George Washington University Law School, his J.D. in 1994 from Vermont Law School, and his BA in 1989 from the University of Vermont. He is admitted to the bars of the State of Vermont, District of Columbia, Supreme Court of the United States, U.S. Courts of Appeal for the 4th, 11th, and DC Circuits, and U.S. District Courts for the District of Columbia, Maryland, and Colorado.

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Who Should Attend

Brand name and generic pharmaceutical counsel and executives with responsibility for:

- Litigation
- Antitrust law and regulation
- Legal and Regulatory Affairs
- Compliance

Attorneys practicing in:

- Pharmaceuticals
- Paragraph IV litigation
- Antitrust law

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