

Winston Gets Defense Verdict For Abbott in Billion-Dollar Antitrust Case

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A California jury this past week returned a verdict for Winston client Abbott Laboratories in a case *American Lawyer* described as “history-making” and “a huge win for Abbott’s lawyers at Winston & Strawn.”

The jury’s verdict in Abbott’s favor – widely reported in the national press – involved Abbott’s decision in 2003 to raise the price of one of its HIV drugs, Norvir®, by 400 percent. GSK’s theory turned on the fact that Norvir substantially boosts the potency of another kind of HIV drug called a “protease inhibitor.” GSK claimed that Abbott raised Norvir’s price by 400 percent to force doctors and patients to abandon drug cocktails with GSK’s own protease inhibitor in favor of Abbott’s pre-bundled protease inhibitor called Kaletra®.

Before the jury, GSK sought \$571 million in damages, which, if successful, would have been automatically trebled to over \$1.7 billion. After five days of deliberation, the jury rejected GSK’s antitrust claim entirely, and awarded GSK just \$3.5 million on a single breach of contract claim. As *The American Lawyer* reported, “the jury’s decision shuts the door on Abbott’s seven-year, multi-front antitrust battle, and is by any measure a huge win for Abbott’s lawyers at Winston & Strawn and Munger Tolles & Olson.” *The American Lawyer* noted that the Winston-led trial team “not only . . . whittle[d] GSK’s \$1.7 billion suit down to a couple of million dollars, it did so just miles from San Francisco, where the first AIDS case was recognized 20 years ago, in a case involving a business decision that enraged HIV patients around the country.”

The trial team included Winston lawyers from three different offices, including partner [Chuck Klein](#).

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