

Winston & Strawn Obtains Victory for Abbott Labs in Antitrust Class Action Dispute

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Winston & Strawn recently obtained a significant victory on behalf for Abbott Labs when the Ninth Circuit Court of Appeals in San Francisco dismissed a high-profile antitrust class action and crippled follow-on class actions seeking damages of more than \$1.5 billion.

The closely watched dispute involved a price increase for Abbott's well-regarded HIV drug Norvir®. On the eve of trial before the Northern District of California in August 2008, the parties to the original class action agreed to a novel high-low settlement contingent on the outcome of an interlocutory appeal. Winston designed the settlement for the express purpose of minimizing the potential impact of the massive follow-on cases filed before the original trial took place.

On July 7, 2009, the Ninth Circuit ruled in Abbott's favor, holding that plaintiffs' antitrust theories failed as a matter of law. This ruling ended the original class action with Abbott paying only the low-end of the settlement (a \$10 million donation to HIV-related charities). Equally important, dismissal of the original class action hopefully will be followed by the dismissal of the billion-dollar demands of the plaintiffs in the copycat actions.

Winston & Strawn argued the appeal on behalf of Abbott. The trial and appellate team included partner Chuck Klein. Partners Linda Coberly and Maureen Rurka also provided assistance with the appeal.

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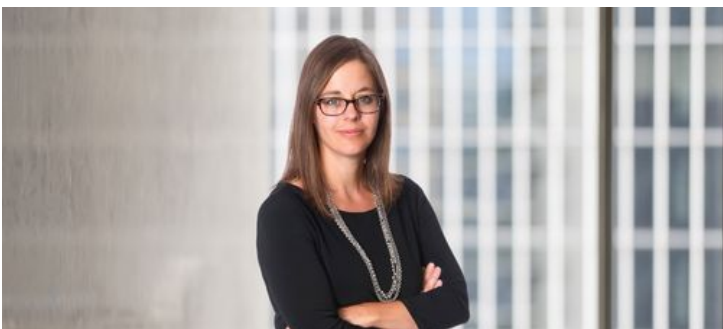
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