IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	**CRIMINAL NO:** 20-cr-169
v.	:	**DATE FILED:** 5/6/20
APOTEX CORP.	:	**VIOLATIONS:** **15 U.S.C. § 1 (conspiracy to restrain trade – 1 count)**

INFORMATION

COUNT ONE
CONSPIRACY TO RESTRAIN TRADE
(15 U.S.C. § 1)

The United States of America, acting through its attorneys, charges that:

1. At all times relevant to this Information, defendant APOTEX CORP. **("APOTEX")** was a corporation organized and existing under the laws of Delaware, with its principal place business in Florida.

2. At all times relevant to this Information, defendant APOTEX was a pharmaceutical company engaged in the marketing and sale of generic drugs in the United States.

3. Various entities and individuals not made defendants in this Information participated as co-conspirators in the offense charged herein and performed acts and made statements in furtherance thereof.

4. Whenever in this Information reference is made to any act, deed, or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction

by or through its officers, directors, employees, agents, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

DESCRIPTION OF THE OFFENSE

5. From in or about May 2013 and continuing through at least December 2015, the exact dates being unknown to the United States, in the Eastern District of Pennsylvania and elsewhere, defendant

APOTEX CORP.

and other persons and corporate entities engaged in the production, marketing, and sale of generic drugs knowingly entered into and engaged in a conspiracy to suppress and eliminate competition by agreeing to increase and maintain prices of pravastatin, a generic drug sold in the United States. The conspiracy engaged in by defendant APOTEX and its co-conspirators was a *per se* unlawful, and thus unreasonable, restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

6. The charged conspiracy consisted of a continuing agreement, understanding, and concert of action among defendant APOTEX and its co-conspirators, the substantial terms of which were to increase and maintain the price of pravastatin.

MEANS AND METHODS

7. For the purpose of forming and carrying out the charged conspiracy, defendant APOTEX and its co-conspirators did those things that they conspired to do, including, among other things:

(a) communicated about the timing of anticipated price increases;

(b) discussed and agreed to increase prices for the generic drug pravastatin sold in the United States;

(c) implemented price increases in accordance with the agreement reached;

(d) discussed the allocation of and agreed to allocate customers located in the United States;

(e) refrained from submitting bids for, submitted non-competitive bids and offers for, and declined requests to submit bids and offers for, the sale of pravastatin to customers that previously purchased from a competing company; and

(f) sold and accepted payment for pravastatin at collusive and noncompetitive prices.

8. During the time period covered by this information, the activities of defendant APOTEX and co-conspirators with respect to the sale of pravastatin were within the flow of, and substantially affected, interstate trade and commerce. Specifically, defendant APOTEX and co-conspirators sold substantial quantities of pravastatin to customers located in various states in the United States. In addition, payments from affected customers for pravastatin sold by defendant APOTEX and co-conspirators traveled in interstate trade and commerce.

All In Violation Of Title 15, United States Code, Section 1.

Dated: May 7, 2020

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United States Department of Justice

Criminal No.

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

Criminal Division

THE UNITED STATES OF AMERICA

vs.

APOTEX CORP.

INFORMATION

Counts
15 U.S.C. § 1 (conspiracy to restrain trade - 1 Count)

A true bill.

_____
Foreman

Filed in open court this _____ day,
Of _____ A.D. 20_____

_____
Clerk

Bail, $_____