

PRESS RELEASE

WRF Files Brief with U.S. Chamber of Commerce to Challenge FTC Abuse of Antitrust Law

September 16, 2000

In *Federal Trade Commission v. Mylan Laboratories*, Civ. No. 1:98 CV 03114—a case in U.S. District Court in Washington D.C.—WRF filed a brief on behalf of the Chamber of Commerce of the United States as *amicus curiae*. In this case, the FTC alleges that Mylan, a generic drug manufacturer, unfairly restrained competition and illegally profited from agreements it had with the manufacturer of active ingredients in two of Mylan's anti-anxiety drugs. The FTC seeks both permanent injunctive relief and "disgorgement" of Mylan's purported illegal profits. The Chamber's brief argues that the FTC lacks statutory authority to pursue either kind of relief. Indeed, in the Chamber's view, permitting the Commission to obtain the relief that it seeks would amount to a wholesale re-writing of the Federal Trade Commission Act, and would improperly elevate a vastly aggrandized FTC to the Department of Justice's proper role as the primary enforcer of the federal antitrust laws.

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Practice Areas

Antitrust