Proskauer

Proskauer's Full Defense Verdict for Gilead Sciences Among the Daily Journal's Top Verdicts for 2023

February 21, 2024

LOS ANGELES, February 21, 2024 – Proskauer, a leading international law firm, is pleased to announce that its significant trial victory for Gilead Sciences, Inc. in a $3.6 billion HIV drug antitrust case has been named as one of the *Daily Journal's* "Top Verdicts for 2023." In July 2023, Proskauer secured a full defense verdict for Gilead Sciences following a six-week antitrust trial on allegations that the pharmaceutical company struck an anticompetitive "pay-for-delay" patent settlement related to two of Gilead's HIV medications. The verdict is only the third ever in reverse payment cases of this type, and the first ever to find for the defense on grounds of the absence of a payment and the absence of market power for the brand in the relevant market.

The consolidated cases related to Gilead's life-saving HIV prevention and treatment medicines, Truvada® and Atripla®. The cases alleged that Gilead, a biopharmaceutical company that discovers, develops and innovates in the areas of HIV and other unmet medical needs around the world, violated state and federal antitrust laws related to a patent litigation settlement agreement with generic drug manufacturer Teva.

The verdict affirmed that the 2014 patent settlement between Gilead and Teva promoted competition. By ensuring that generic versions of Atripla® and Truvada® could come to market before Gilead's patents covering those medicines expired, the settlement with Teva (and later settlements with other generic companies) enabled early generic drug market entry rather than delayed entry.

The *Daily Journal's* annual list highlights the most significant verdicts and appellate reversals in California. This is the second time Proskauer has been named to the *Daily's Journal's* Top Verdicts list. The Firm was previously recognized in 2021 for its landmark victory on behalf of Monsanto in a case brought by a woman claiming that use of the herbicide Roundup caused her non-Hodgkin's lymphoma.

The Proskauer team advising Gilead Sciences was led by partners Bart Williams and Susan Gutierrez and associates William Dalsen, Om Alladi, Christina Assi, Margaret Ukwu and Genesis Sanchez Tavarez and paralegals Jeffrey Soldridge and Stacy Evans (Litigation).

Proskauer acted as co-counsel alongside Kirkland & Ellis.

About Proskauer

The world's leading organizations and global players choose Proskauer to represent them when they need it the most. With 800+ lawyers in key financial centers around the world, we are known for our pragmatic and commercial approach. Proskauer is the place to turn when a matter is complex, innovative and game-changing. We work seamlessly across practices, industries and jurisdictions with asset managers, private equity and venture capital firms, Fortune 500 and FTSE companies, major sports leagues, entertainment industry legends and other industry-redefining companies.

Proskauer has a full-service litigation practice with extensive trial experience in virtually every major forum across the globe. We take a collaborative approach to representing defendants and plaintiffs, multinationals, middle-market and small-cap businesses, financial institutions, partnerships and individuals, with one thing in mind – driving successful outcomes for our clients.

Related Professionals

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