

Essential Inventions, Inc.
P.O. Box 19367, Washington D.C. 20036

January 29, 2004

Susan Creighton, Director
Bureau of Competition
Federal Trade Commission
600 Pennsylvania Ave, NW
Washington, D.C. 20580

RE: Complaint of antitrust law violations by Abbott Laboratories

Dear Ms. Creighton:

We would like to file a complaint about the anticompetitive pricing practices of Abbott Laboratories. In December 2003, Abbott raised the price of its patented protease inhibitor Norvir (generic name: ritonavir) by 400%. We do not believe there was a legitimate business justification for this price increase. Table I, attached to this complaint, indicates that a main effect of the price increase will be to raise the price of competing products to shift market share to its combination product Kaletra. This is a “restraint of trade for which its patents afford no immunity from the anti-trust laws.” *International Salt v. United States*, 332 U.S. 392, 395-96 (1947).¹

Please find a parallel complaint about this matter made to the Secretary of Human Services under the Bayh-Dole Act.

¹ *Accord Motion Picture Patents Co. v. Universal Film Mfg. Co.*, 243 U.S. 502 (1917); *see also Kodak v. Image Technical Services*, 504 U.S. 451, 479 n.29 (1992) (“The Court has held many times that power gained through some natural and legal advantage such as a patent, copyright, or business acumen can give rise to liability if ‘a seller exploits his dominant position in one market to expand his empire into the next.’”).

We request a meeting to discuss these matters further.

Sincerely,

James Love
President
Essential Inventions, Inc.

Sean Flynn
Counsel
Essential Inventions, Inc.

CC: Timothy J. Muris, Chairman
Elizabeth A. Jex

TABLE I
NORVIR PRICE INCREASE

Protease Inhibitor	Norvir Used	Fall 2003 Price of Norvir	Fall 2003 Price of Boosted Treatment	Dec 2003 Price of Norvir	Dec 2003 Price of Boosted Treatment
Norvir (full dose)	1200mg	\$9468	\$9468	\$46,932	\$46,932
Invirase	200mg	\$1578	\$8,988	\$7822	\$16,933
Lexiva	200mg	\$1578	\$7,300	\$7822	\$15,123
Reyataz	100mg	\$789	\$10,074	\$3911	\$13,985
Fortovase	200mg	\$1578	\$5,865	\$7822	\$12,899
Agenerase	200mg	\$1578	\$4,475	\$7822	\$12,297
Crixivan	200mg	\$1578	\$4,432	\$7822	\$12,254
Viracept	Cannot boost	\$0	\$9,206	\$0	\$9,206
Kaletra	Included		\$8,559		\$8,559