

Dissenting Statement of Commissioner Maureen K. Ohlhausen
In the Matter of Endo Pharmaceuticals Inc.,
File No. 141-0004
March 31, 2016

Based on evidence reflected in the complaint, I have reason to believe that the Defendants violated Section 5 of the FTC Act by entering into pay for delay agreements. I do not believe, however, that it serves the public interest to seek disgorgement in this case.¹

The better course would be to pursue this matter administratively. The Part III process grants the Commission a unique tool to advance the law. Employing it here would allow the Commission to render a thoughtful decision applying the *Actavis* standard, providing much-needed guidance to courts and firms around the country.

¹ *Cf. FTC v. Cephalon*, Separate Statement of Maureen K. Ohlhausen & Joshua D. Wright, May 28, 2015, <https://www.ftc.gov/public-statements/2015/05/separate-statement-commissioners-maureen-k-ohlhausen-joshua-d-wright>; *In re Cardinal Health, Inc.*, Dissenting Statement of Commissioner Maureen K. Ohlhausen, Apr. 17, 2015, <https://www.ftc.gov/public-statements/2015/04/dissenting-statement-commissioner-maureen-k-ohlhausen-cardinal-health-inc>.