

Review of Reverse-Payment Agreements: The Agencies, the Courts, Congress, and the European Commission

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Two bills seeking to ban reverse-payment agreements are currently pending in Congress, and the European Commission has declared that such agreements, depending on the circumstances, may violate European competition laws. Meanwhile, several U.S. Courts of Appeals have upheld reverse-payment settlements as lawful if the restrictions in the settlement are within the scope of the patent. This article provides an overview of the treatment of reverse-payment agreements by the agencies, the appellate courts, Congress, and the European Commission, without advocating a view on the legality of such agreements or the merits of court decisions, proposed legislation, or investigations relating to them.