

Judgment of the General Court of 12 December 2018 — Lupin v Commission(Case T-680/14) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Market for perindopril, a medicinal product intended for the treatment of cardiovascular diseases, in its originator and generic versions — Decision finding an infringement of Article 101 TFEU — Patent dispute settlement agreement — Technology acquisition agreement — Restriction of competition by object — Balance between competition law and patent law — Fines)

(2019/C 82/28)

Language of the case: English

Parties

Applicant: Lupin Ltd (Maharashtra, India) (represented initially by M. Pullen, R. Fawcett-Feuillette, Solicitors, M. Hoskins QC, V. Wakefield, Barrister and M. Boles, Solicitor, and subsequently by M. Hoskins, V. Wakefield, M. Boles, K. Vernon and S. Smith, Solicitors, and lastly by M. Hoskins, V. Wakefield, S. Smith and C. Wall, Solicitor)

Defendant: European Commission (represented initially by F. Castilla Contreras, B. Mongin and T. Vecchi, and subsequently by F. Castilla Contreras, B. Mongin and C. Vollrath, acting as Agents, and by B. Rayment, Barrister)

Re:

Application under Article 263 TFEU for partial annulment of Commission Decision C(2014) 4955 final of 9 July 2014 relating to a proceeding under Article 101 and Article 102 TFEU [Case AT.39612 — Perindopril (Servier)] in so far as it concerns the applicant, and, in the alternative, for annulment or reduction of the fine imposed on the applicant by that decision.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Lupin Ltd to pay the costs.

⁽¹⁾ OJ C 439, 8.12.2014.

Judgment of the General Court of 12 December 2018 — Mylan Laboratories and Mylan v Commission(Case T-682/14) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Market for perindopril, a medicinal product intended for the treatment of cardiovascular diseases, in its originator and generic versions — Decision finding an infringement of Article 101 TFEU — Patent dispute settlement agreement — Potential competition — Restriction of competition by object — Balance between competition law and patent law — Imputation of the unlawful conduct — Fines)

(2019/C 82/29)

Language of the case: English

Parties

Applicants: Mylan Laboratories Ltd (Hyderabad, India) and Mylan, Inc. (Canonsburg, Pennsylvania, United States) (represented by S. Kon, C. Firth and C. Humpe, Solicitors)

Defendant: European Commission (represented initially by F. Castilla Contreras, T. Vecchi, and B. Mongin and subsequently by F. Castilla Contreras, B. Mongin and C. Vollrath, acting as Agents, and by S. Kingston, Barrister-at-law)