

HIV Drugmakers Gilead and Teva Didn't Pay to Delay Drugs, Rules Jury

The \$3.6 billion antitrust court case cleared Gilead Sciences and Teva of delaying the release of generic Truvada and other HIV meds.

July 3, 2023 By [Trent Straube](#)

"Verdict is in for Gilead/Teva pay-for-delay case," tweeted AIDS activist Peter Staley on Friday, June 30. "We're heading into the courtroom soon to hear it. Watch my tweets for the verdict."

Next came a two-word tweet: "We lost."

Indeed, a federal court jury found that [HIV](#) drugmakers [Gilead Sciences](#) and Teva Pharmaceuticals did not engage in a pay-to-delay scheme that inflated prices and delayed the release of generic [Truvada](#) and other HIV meds, [reported Bloomberg Law](#).

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The plaintiffs in the case—including buyers of HIV meds such as Blue Cross and Blue Shield and consumers—sought \$3.6 billion in damages. The complicated case was divided into two separate parts. According to Staley, the second part will entail another trial, possibly by the end of the year,

and cover a different aspect of the pharmaceutical giants' generics contracts.

Filed in 2019, the current lawsuit alleged that Gilead paid Teva, which manufactures generic versions of meds, to delay a generic version of Truvada (a combination of the meds tenofovir disoproxil fumarate and emtricitabine). Specifically, the lawsuit alleged that Gilead engaged in a "reverse payment" scheme worth \$1 billion, according to Bloomberg. The jury found that Gilead and Teva's patent settlement did not violate antitrust law or constitute a reverse payment.

Truvada is used not only in treatment regimens for people with HIV but also as [PrEP, pre-exposure prophylaxis](#), a daily preventive pill for people who are HIV negative.

Teva's generic version of Truvada hit the market in October 2020, though, [as POZ reported at the time](#), "at a price of about \$1,455 a month, it undercuts the cost of the brand-name product from Gilead Sciences by only a couple of hundred dollars.... As [previously reported](#), Gilead reached an agreement with Teva to give the Israeli company exclusive rights to sell a generic version of Truvada in the United States a year ahead of schedule. Teva's exclusive rights will last for six months, after which other companies may join the market."

The June 30 verdict marks a second legal victory for Gilead this year. In May, a jury ruled in a separate case that the drugmaker "won on all counts" in a billion-dollar PrEP patent lawsuit filed by the U.S. government. The government, however, [seeks a new trial and wants a federal judge to overrule the verdict](#).

In 2021, the U.S. government clarified that health insurers must cover PrEP and related costs, such as regular HIV testing. In yet another related court case, a conservative judge in Texas ruled earlier this year that health care providers aren't required to cover PrEP and other preventive services. That case is ongoing. For the latest updates, see "[HIV Cases Will Spike if Health Care Doesn't Cover Prevention, Warn Experts](#)."