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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE HIV ANTITRUST LITIGATION.

Case No. [19-cv-02573-EMC](#)

VERDICT FORM

VERDICT FORM

United States District Court
Northern District of California

United States District Court
Northern District of California

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Element (1): Anticompetitive Conduct

1. At step one of the rule of reason, did the plaintiffs prove that Gilead had market power within the relevant market(s) that included Truvada and/or Atripla?

- a. Truvada Yes _____ No
- b. Atripla Yes _____ No

If you answered "yes" to either of the above, proceed to Question 2. If you answered "no" to both of the above, skip the remaining questions, and sign and date the form.

2. At step one of the rule of reason, did the plaintiffs prove that the April 25, 2014, patent settlement agreement between Gilead and Teva included a "reverse payment" from Gilead to Teva so that Teva would delay its entry into the market and Gilead could thereby avoid the risk of generic competition?

- Yes _____ No

If you answered "yes" to the above, proceed to Question 3. If you answered "no," skip the remaining questions, and sign and date the form.

3. At step two of the rule of reason, did the defendants come forward with evidence that their conduct had procompetitive effects?

- Yes _____ No _____

If you answered "yes" to the above, proceed to Question 4. If you answered "no," skip Question 4 and proceed to Question 5.

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4. At step three of the rule of reason, did the plaintiffs do at least one of the following:
- (a) rebut the procompetitive effects claimed by the defendants;
 - (b) prove that the procompetitive effects claimed by the defendants could have been reasonably achieved in a substantially less restrictive manner; or
 - (c) prove that the anticompetitive effects of the defendants' conduct substantially outweighed the procompetitive benefits claimed by the defendants.

Yes _____ No _____

If you answered "yes" to the above, proceed to Question 5. If you answered "no," skip the remaining questions, and sign and date the form.

Element (2): Antitrust Injury

5. Did the plaintiffs prove that the defendants' conduct caused entry of generic Truvada or generic Atripla to be delayed, thereby causing any one or more of the below plaintiffs to pay some amount more for the drug than they would have paid if generic entry had not been delayed?

a. United

Truvada Yes _____ No _____

Atripla Yes _____ No _____

b. End-Payor Purchaser Classes (EPPs)

Truvada Yes _____ No _____

Atripla Yes _____ No _____

c. Florida Blue (IHPP)

Truvada Yes _____ No _____

Atripla Yes _____ No _____

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d. Centene (IHPP)

Truvada Yes _____ No _____

Atripla Yes _____ No _____

e. HCSC (IHPP)

Truvada Yes _____ No _____

Atripla Yes _____ No _____

f. Triple-S Salud (IHPP)

Truvada Yes _____ No _____

Atripla Yes _____ No _____

g. Kaiser (IHPP)

Truvada Yes _____ No _____

Atripla Yes _____ No _____

h. Blue KC (IHPP)

Truvada Yes _____ No _____

Atripla Yes _____ No _____

i. Humana (IHPP)

Truvada Yes _____ No _____

Atripla Yes _____ No _____

If you answered "yes" to one or more of the above, then for those plaintiffs/drugs for which you answered "yes" proceed to Question 6 below. If you answered "no" for all the plaintiffs and all the drugs above, skip the remaining questions, and sign and date the form.

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6. Please indicate the amount of overcharges for those plaintiffs/drugs for which you answered “yes” above. Do not fill in the below for any plaintiffs/drugs that you answered “no” to above.

a. United

Truvada \$ _____

Atripla \$ _____

b. End-Payor Purchaser Classes (EPPs)

	Truvada	Atripla
Alabama	\$ _____	\$ _____
Arizona	\$ _____	\$ _____
California	\$ _____	\$ _____
Connecticut	\$ _____	\$ _____
District of Columbia	\$ _____	\$ _____
Florida	\$ _____	\$ _____
Hawaii	\$ _____	\$ _____
Iowa	\$ _____	\$ _____
Kansas	\$ _____	\$ _____
Maine	\$ _____	\$ _____
Maryland	\$ _____	\$ _____
Massachusetts	\$ _____	\$ _____
Michigan	\$ _____	\$ _____
Minnesota	\$ _____	\$ _____
Mississippi	\$ _____	\$ _____
Missouri	\$ _____	\$ _____
Nebraska	\$ _____	\$ _____
Nevada	\$ _____	\$ _____
New Hampshire	\$ _____	\$ _____

United States District Court
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1	New Mexico	\$ _____	\$ _____
2	New York	\$ _____	\$ _____
3	North Carolina	\$ _____	\$ _____
4	North Dakota	\$ _____	\$ _____
5	Oregon	\$ _____	\$ _____
6	Rhode Island	\$ _____	\$ _____
7	South Dakota	\$ _____	\$ _____
8	Tennessee	\$ _____	\$ _____
9	Utah	\$ _____	\$ _____
10	Vermont	\$ _____	\$ _____
11	West Virginia	\$ _____	\$ _____
12	Wisconsin	\$ _____	\$ _____
13	TOTAL:	\$ _____	\$ _____

c. **Florida Blue (IHPP)**

		Truvada	Atripla
16			
17	Alabama	\$ _____	\$ _____
18	Arizona	\$ _____	\$ _____
19	California	\$ _____	\$ _____
20	Connecticut	\$ _____	\$ _____
21	District of Columbia	\$ _____	N/A
22	Florida	\$ _____	\$ _____
23	Hawaii	\$ _____	N/A
24	Illinois	\$ _____	\$ _____
25	Iowa	\$ _____	\$ _____
26	Kansas	\$ _____	N/A
27	Louisiana	\$ _____	\$ _____
28	Maine	\$ _____	\$ _____

United States District Court
Northern District of California

1	Maryland	\$ _____	N/A
2	Massachusetts	\$ _____	N/A
3	Michigan	\$ _____	\$ _____
4	Minnesota	\$ _____	N/A
5	Mississippi	\$ _____	N/A
6	Missouri	\$ _____	N/A
7	Montana	N/A	\$ _____
8	Nebraska	\$ _____	\$ _____
9	Nevada	\$ _____	\$ _____
10	New Hampshire	\$ _____	N/A
11	New Mexico	\$ _____	N/A
12	New York	\$ _____	\$ _____
13	North Carolina	\$ _____	\$ _____
14	Oregon	\$ _____	N/A
15	Rhode Island	\$ _____	N/A
16	South Carolina	\$ _____	\$ _____
17	South Dakota	\$ _____	N/A
18	Tennessee	\$ _____	\$ _____
19	Utah	\$ _____	N/A
20	Vermont	\$ _____	N/A
21	Wisconsin	\$ _____	\$ _____
22	TOTAL:	\$ _____	\$ _____

d. Centene (IHPP)

		Truvada	Atripla
25			
26	Alabama	\$ _____	\$ _____
27	Arizona	\$ _____	\$ _____
28	California	\$ _____	\$ _____

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1	Connecticut	\$ _____	\$ _____
2	District of Columbia	\$ _____	\$ _____
3	Florida	\$ _____	\$ _____
4	Hawaii	\$ _____	\$ _____
5	Illinois	\$ _____	\$ _____
6	Iowa	\$ _____	\$ _____
7	Kansas	\$ _____	\$ _____
8	Louisiana	\$ _____	\$ _____
9	Maine	\$ _____	\$ _____
10	Maryland	\$ _____	\$ _____
11	Michigan	\$ _____	\$ _____
12	Minnesota	\$ _____	\$ _____
13	Mississippi	\$ _____	\$ _____
14	Missouri	\$ _____	\$ _____
15	Montana	\$ _____	\$ _____
16	Nebraska	\$ _____	\$ _____
17	Nevada	\$ _____	\$ _____
18	New Hampshire	\$ _____	\$ _____
19	New Mexico	\$ _____	\$ _____
20	New York	\$ _____	\$ _____
21	North Carolina	\$ _____	\$ _____
22	North Dakota	\$ _____	\$ _____
23	Oregon	\$ _____	\$ _____
24	Rhode Island	\$ _____	\$ _____
25	South Carolina	\$ _____	\$ _____
26	South Dakota	\$ _____	N/A
27	Tennessee	\$ _____	\$ _____
28	Utah	\$ _____	\$ _____

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Vermont	\$ _____	\$ _____
West Virginia	\$ _____	\$ _____
Wisconsin	\$ _____	\$ _____
TOTAL:	\$ _____	\$ _____

e. HCSC (IHPP)

	Truvada	Atripla
Alabama	\$ _____	\$ _____
Arizona	\$ _____	\$ _____
California	\$ _____	\$ _____
Connecticut	\$ _____	N/A
District of Columbia	\$ _____	\$ _____
Florida	\$ _____	\$ _____
Hawaii	\$ _____	\$ _____
Illinois	\$ _____	\$ _____
Iowa	\$ _____	\$ _____
Kansas	\$ _____	\$ _____
Louisiana	\$ _____	\$ _____
Maine	\$ _____	\$ _____
Maryland	\$ _____	\$ _____
Massachusetts	\$ _____	N/A
Michigan	\$ _____	\$ _____
Minnesota	\$ _____	\$ _____
Mississippi	\$ _____	\$ _____
Missouri	\$ _____	\$ _____
Montana	\$ _____	\$ _____
Nebraska	\$ _____	\$ _____
Nevada	\$ _____	\$ _____

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1	New Hampshire	\$ _____	N/A
2	New Mexico	\$ _____	\$ _____
3	New York	\$ _____	\$ _____
4	North Carolina	\$ _____	\$ _____
5	North Dakota	\$ _____	N/A
6	Oregon	\$ _____	\$ _____
7	Rhode Island	\$ _____	\$ _____
8	South Carolina	\$ _____	\$ _____
9	South Dakota	\$ _____	\$ _____
10	Tennessee	\$ _____	\$ _____
11	Utah	\$ _____	\$ _____
12	Vermont	\$ _____	N/A
13	West Virginia	\$ _____	\$ _____
14	Wisconsin	\$ _____	\$ _____
15	TOTAL:	\$ _____	\$ _____

f. Triple-S Salud (IHPP)

18		Truvada	Atripla
19	Connecticut	\$ _____	N/A
20	Illinois	\$ _____	N/A
21	New York	\$ _____	N/A
22	North Carolina	\$ _____	N/A
23	TOTAL:	\$ _____	N/A

g. Kaiser (IHPP)

26		Truvada	Atripla
27	California	\$ _____	\$ _____
28	District of Columbia	\$ _____	\$ _____

United States District Court
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1	Hawaii	\$ _____	\$ _____
2	Maryland	\$ _____	\$ _____
3	Oregon	\$ _____	\$ _____
4	TOTAL:	\$ _____	\$ _____

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6 **h. Blue KC (IHPP)**

		Truvada	Atripla
7			
8	Alabama	\$ _____	\$ _____
9	Arizona	\$ _____	\$ _____
10	California	\$ _____	\$ _____
11	Connecticut	\$ _____	N/A
12	District of Columbia	\$ _____	N/A
13	Florida	\$ _____	\$ _____
14	Hawaii	\$ _____	N/A
15	Illinois	\$ _____	\$ _____
16	Iowa	\$ _____	N/A
17	Kansas	\$ _____	\$ _____
18	Louisiana	\$ _____	N/A
19	Maryland	\$ _____	N/A
20	Massachusetts	\$ _____	N/A
21	Michigan	\$ _____	N/A
22	Minnesota	\$ _____	N/A
23	Missouri	\$ _____	\$ _____
24	Nebraska	\$ _____	N/A
25	Nevada	\$ _____	\$ _____
26	New York	\$ _____	N/A
27	North Carolina	\$ _____	N/A
28	Oregon	\$ _____	N/A

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1	South Carolina	\$ _____	N/A
2	Tennessee	\$ _____	\$ _____
3	Utah	\$ _____	N/A
4	Wisconsin	\$ _____	N/A
5	TOTAL:	\$ _____	\$ _____

i. Humana (IHPP)

		Truvada	Atripla
8			
9	Alabama	\$ _____	\$ _____
10	Arizona	\$ _____	\$ _____
11	California	\$ _____	\$ _____
12	Connecticut	\$ _____	\$ _____
13	District of Columbia	\$ _____	\$ _____
14	Florida	\$ _____	\$ _____
15	Hawaii	\$ _____	\$ _____
16	Illinois	\$ _____	\$ _____
17	Iowa	\$ _____	\$ _____
18	Kansas	\$ _____	\$ _____
19	Louisiana	\$ _____	\$ _____
20	Maine	\$ _____	\$ _____
21	Maryland	\$ _____	\$ _____
22	Michigan	\$ _____	\$ _____
23	Minnesota	\$ _____	\$ _____
24	Mississippi	\$ _____	\$ _____
25	Missouri	\$ _____	\$ _____
26	Montana	\$ _____	\$ _____
27	Nebraska	\$ _____	\$ _____
28	Nevada	\$ _____	\$ _____

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1	New Hampshire	\$ _____	\$ _____
2	New Mexico	\$ _____	\$ _____
3	New York	\$ _____	\$ _____
4	North Carolina	\$ _____	\$ _____
5	North Dakota	\$ _____	\$ _____
6	Oregon	\$ _____	\$ _____
7	Rhode Island	\$ _____	\$ _____
8	South Carolina	\$ _____	\$ _____
9	South Dakota	\$ _____	\$ _____
10	Tennessee	\$ _____	\$ _____
11	Utah	\$ _____	\$ _____
12	Vermont	\$ _____	\$ _____
13	West Virginia	\$ _____	\$ _____
14	Wisconsin	\$ _____	\$ _____
15	TOTAL:	\$ _____	\$ _____

Proceed to Question 7 below.

7. Was the defendants' antitrust violation(s) that you found flagrant?


Yes _____ No _____

Proceed to Question 8 below.

8. Was the defendants' antitrust violation(s) that you found willful?

Yes _____ No _____

Please sign and date the form.



 Presiding Juror
 Date 6/30/2024
 2023