



**DEPARTMENT OF THE ATTORNEY GENERAL**

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**ATTORNEY GENERAL CHIN URGES HAWAII RESIDENTS  
TO SUBMIT CLAIMS FOR PROVIGIL SETTLEMENT**

HONOLULU – Attorney General Doug Chin urges eligible Hawaii residents to file claims or make their views known on a \$125 million multistate settlement that provides \$35 million to consumers who purchased the brand-name drug Provigil or generic Modafinil from June 24, 2006 to March 31, 2012.

**The deadline to file claims is June 25, 2017.**

Eligible consumers include residents of Hawaii and all other states except California or Louisiana, who paid for the drug from June 24, 2006 to March 31, 2012.

Provigil is approved by the Food and Drug Administration (FDA) to improve wakefulness in adult patients with excessive sleepiness. In August 2016, Hawaii and 47 other state attorneys general announced the settlement with biopharmaceutical company Cephalon and its affiliated companies. The settlement resolved allegations that the companies engaged in unlawful "pay-for-delay" anticompetitive conduct involving patent exclusivity for Provigil. "Pay for delay" occurs when a branded drug company unlawfully maintains its exclusive rights by paying a would-be generic competitor to delay entry into the market, keeping prices at artificially high levels.

As the patent for Provigil neared expiration in 2001, the states alleged that Cephalon intentionally misled the U.S. Patent & Trademark Office (PTO) in order to secure an additional patent for the purpose of preventing competition. By misleading the PTO, Cephalon was able to obtain FDA exclusivity for Modafinil until June 2006, and extend patent exclusivity until April 2012.

For additional information or to obtain a claim form, visit [StateAGProvigilSettlement.com](http://StateAGProvigilSettlement.com) or call 1-877-236-1413.

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Department of the Attorney General  
News Release 2017-40  
Page 2

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