

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GLAXOSMITHKLINE LLC,	:	
Plaintiff,	:	
v.	:	CIVIL ACTION NO. 19-5321
BOEHRINGER INGELHEIM PHARMACEUTICALS, INC.,	:	
Defendant.	:	

ORDER

AND NOW, this 3rd day of September 2020, upon consideration of Plaintiff’s Amended Motion for Preliminary Injunction [Doc. No. 36], the responses thereto, and all related filings, after a hearing held on March 10, 2020, and for the reasons stated in the accompanying Memorandum Opinion, it is hereby **ORDERED** that the Amended Motion is **GRANTED in part** and **DENIED in part** as follows:

- 1) BI shall **CEASE AND DESIST** from conveying in promotional, training, and/or educational materials the following messages or creating the false or misleading impression that the following messages are true (the “Prohibited Claims”):
 - a. Peak inspiratory flow (PIF) has any effect upon the efficacy of drugs used to treat Chronic Obstructive Pulmonary Disease (COPD);
 - b. The deposition of a therapeutic or adequate dose of medication in the lungs is dependent upon the peak inspiratory flow rate (PIFR) of the patient;
 - c. A meaningful number of patients are unable to activate dry powder inhalers (DPIs); and
 - d. DPIs are “suboptimal inhalers.”
- 2) Given their use of the Prohibited Claims, BI shall **CEASE AND DESIST** using the Current Visual Aid and the Respiratory Learning System training document.

- 3) BI shall prominently display – in a font no smaller than the majority of the type, on the pertinent page – the following disclaimer on all promotional materials for COPD medications that reference PIF: “A relationship between PIF and the efficacy of COPD medications has not been established.”
- 4) BI shall promptly re-train all of its sales representatives to ensure that they no longer make any of the Prohibited Claims.
- 5) In all other respects, GSK’s Amended Motion is **DENIED**.
- 6) Bond is set at \$5,000,000.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.