12-142 MUTUAL PHARMACEUTICAL CO. V. BARTLETT

DECISION BELOW: 678 F.3d 30

LOWER COURT CASE NUMBER: 10-2277

QUESTION PRESENTED:

Whether the First Circuit erred when it created a circuit split and held-in clear conflict with this Court's decisions in *PLIVA, Inc. v. Mensing*, 131 S. Ct. 2567 (2011); *Riegel v. Medtronic, Inc.,* 552 U.S. 312 (2008); and *Cipollone v. Liggett Group, Inc.,* 505 U.S. 504 (1992)- that federal law does not preempt state law design-defect claims targeting generic pharmaceutical products because the conceded conflict between such claims and the federal laws governing generic pharmaceutical design allegedly can be avoided if the makers of generic pharmaceuticals simply stop making their products.

CERT. GRANTED 11/30/2012