HIV Antitrust Appeal to Also Decide if Gay Jurors Are Protected

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An HIV-related antitrust case before a federal appeals court also will decide if potential jurors can be removed from trials because of their sexual orientation, The Associated Press reports. The 9th U.S. Circuit Court of Appeals, which is headquartered in San Francisco, heard arguments from a case involving two pharmaceutical companies.

In 2007, Abbott Laboratories raised the price of the HIV drug Norvir by 400 percent. GlaxoSmithKline soon after filed an antitrust lawsuit against Abbott claiming the high price prevented the booster from being used with other drugs. In 2011, a jury ruled mostly in favor of Abbott, saying the company did not hike the price out of malice.

GSK appealed using as one of its arguments for a new trial that an Abbott lawyer had a man who identified himself as gay removed from the jury pool because of his sexual orientation. Abbott claims it removed the man for several other reasons, including that he had a friend who died of AIDS.

Lawyers in both sides of trials are allowed to remove potential jurors without legal justification. However, the U.S. Supreme Court has ruled that race and gender cannot be used as reasons to remove potential jurors. The high court has never ruled if sexual orientation also is protected. The ruling of the appeals court is pending.

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