



## Daily COVID-19 Bulletin

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April 8, 2020

To Our Clients and Colleagues:

Gibson Dunn’s lawyers regularly counsel clients on issues raised by the COVID-19 pandemic, and we are working with many of our clients on their response to COVID-19. The following is a round-up of today’s client alerts on this topic prepared by the Gibson Dunn team. Our lawyers are available to assist with any questions you may have regarding developments related to the outbreak. As always, for additional information, please feel free to contact the Gibson Dunn lawyer with whom you usually work, or any member of the firm's **[Coronavirus \(COVID-19\) Response Team](#)**.

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### GLOBAL OVERVIEW

#### COVID-19 United Kingdom Bulletin – 8 April 2020

This bulletin provides a summary and compendium of English law legal developments during the current COVID-19 pandemic in a variety of key areas.

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#### Fraud in the COVID-19 Age: Examining and Anticipating Changing Enforcement Activity

The COVID-19 pandemic is already reshaping federal and state regulatory enforcement actions in the United States and around the world. Although it is too early to know the path or impact of future enforcement, experience gleaned from previous post-disaster enforcement activity and an analysis of enforcement activity to date brings into focus a few areas likely to prominently figure in regulator’s activity. These changes will not be consistent.

As in the past, the political environment, enforcement resources, and ways in which fraud emerges from the crisis will differ across domestic and international borders.

With this in mind, in this alert, the beginning of a series of on-going Gibson Dunn alerts, we provide an overview of early enforcement actions in the United States, the United Kingdom, the European Union, and Asia, as well as specific areas in which increased enforcement activity is likely in the future: namely, insider trading, state-level consumer protection, and False Claims Act enforcement.

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## Strategies for Private Equity Investing in a Distressed Environment

“In a crisis, be aware of the danger—but recognize the opportunity.” – John F. Kennedy. As the tragic and unprecedented consequences of the COVID-19 pandemic have demonstrated, we are certainly experiencing a crisis. For private equity funds, the current environment—while providing unprecedented challenges for many portfolio companies—will also provide some unique investment opportunities to acquire both distressed assets and assets of distressed sellers.

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## Some Protection from Patent Infringement Suits Is Available to Those Who Make and Provide Personal Protective Equipment and Ventilators in Response to the COVID-19 Crisis

Many companies have retooled (or are considering retooling) their businesses to meet the rising demand for personal protective equipment (“PPE”), ventilators, and other products or services to address the COVID-19 pandemic. Moreover, on April 2, 2020, the President ordered the Department of Health and Human Services to use its authority under the Defense Production Act (“DPA”) of 1950, as amended, 50 U.S.C. §§ 4501 *et seq.*, to facilitate the supply of materials for the production of ventilators by several companies operating in the United States. This alert reviews the limited protection against potential patent infringement lawsuits and damages that the law provides for infringement that occurs during the production, use, or sale of products or services in response to these emergency declarations.

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