



**AARP
STATEMENT FOR THE RECORD
for the**

**UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON COURTS, INTELLECTUAL PROPERTY,
ARTIFICIAL INTELLIGENCE, AND THE INTERNET
on**

**MEDICINES AND IP:
BALANCING INNOVATION AND ACCESS**

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For further information contact:
Glen Fewkes
Senior Director - Government Affairs
Health Care Access and Affordability
gfewkes@aarp.org

AARP appreciates the opportunity to submit this statement for the record and commends the Subcommittee for holding today's important hearing, *Medicines and IP: Balancing Innovation and Access*. We applaud the Subcommittee's bipartisan commitment to examining how to increase access to more affordable medicines, like generics and biosimilars, and to address anti-competitive abuses of the patent system that delay competition and keep prices high for patients.

Robust competition from generic and biosimilar drugs is essential to making prescription drugs more affordable. Our patent system was designed to reward innovation and incentivize the development of clinical breakthroughs and inventions that bring meaningful benefits to patients. Unfortunately, brand-name drug companies have employed a variety of anti-competitive strategies to manipulate our patent system to extend monopolies and keep prices high for patients far beyond what Congress intended. These tactics include evergreening, patent thicketing, anti-competitive pay-for-delay deals, manipulation of the U.S. Food and Drug Administration (FDA)'s citizen petition process, product hopping, and more.

The vast majority of new drug patents issued are for drugs already on the market, and big drug companies regularly obtain additional patents for their best-selling drugs to extend their monopoly periods. When this happens, consumers literally pay the price as they are unable to purchase lower-priced generic and biosimilar drugs that should be available to them. It was never the intent of our patent laws to extend monopoly pricing in the way that occurs today.

AARP has supported many bipartisan bills in recent years that would put an end to these patent tricks and bring lower-priced generic and biosimilar drugs to market faster. Today, we focus on two in particular:

AARP supports the bipartisan *Eliminating Thickets to Increase Competition Act* (H.R. 3269), also known as the ETHIC Act, which takes a targeted approach to address so-called "patent thickets" by allowing brand-name drug manufacturers to assert only one patent in a group of related patents in litigation against generic and biosimilar competitors. Brand-name drug companies would still be able to sue over patent infringement; however, they would no longer be able to pursue litigation for multiple patents linked to the same feature of a drug. By reducing duplicative and overlapping patent claims, this legislation helps prevent unnecessary delays in competition while preserving incentives for meaningful innovation.

We also support the bipartisan *Skinny Labels, Big Savings Act* (H.R. 6485), which protects generic and biosimilar drug companies' longstanding ability to obtain FDA approval for uses of a drug that are no longer protected by patents, also known as skinny labeling. By strengthening legal protections for drug manufacturers that use this important pathway, this legislation helps prevent patent-based lawsuits from being used to delay more affordable alternatives from reaching the market.

Prescription drug prices remain a significant challenge for older adults, many of whom rely on multiple medications. Increased competition is a critical tool for lowering drug prices, with generics and biosimilars saving patients and taxpayers trillions of dollars over the past decade. By helping bring lower-cost alternatives to market sooner, these bills would directly help older Americans better afford the medications they need to stay healthy.

Thank you again for your attention to this important issue. AARP believes our patent system should continue to reward genuine innovation while preventing abuses that unfairly delay lower-cost competition and keep prescription drug prices high. We urge the Subcommittee and Congress to advance bipartisan reforms that will bring generic and biosimilar medicines to market sooner and help older Americans afford the medications they need.