



June 4, 2026

The Honorable Chairman Darrell Issa  
House Judiciary Committee  
Subcommittee on Courts, Intellectual Property,  
Artificial Intelligence, and the Internet  
2138 Rayburn House Office Building  
Washington, DC 20515

The Honorable Ranking Henry C. “Hank” Johnson  
House Judiciary Committee  
Subcommittee on Courts, Intellectual Property,  
Artificial Intelligence, and the Internet  
2138 Rayburn House Office Building  
Washington, DC 20515

**Re: House Judiciary Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet’s Hearing on Medicines and IP: Balancing Innovation and Access**

Dear Representatives Issa and Johnson:

Thank you for holding this hearing on the twin goals of pharmaceutical innovation and access. The American Society of Health-System Pharmacists (ASHP) is the largest association of pharmacy professionals in the United States, representing over 65,000 pharmacists, student pharmacists, and pharmacy technicians in all patient care settings, including hospitals, ambulatory clinics, and health system community pharmacies. Our members work with patients daily to help them access the most advanced prescription drugs at the most affordable prices. Preserving affordability of medications improves patient adherence to these lifesaving treatments. Below, we have provided suggestions to ensure patients have continued access to cutting-edge medications at affordable prices.

**Prohibit Patent Thickets:** Patent thickets, which consist of additional patents filed on a single existing product, undermine access to affordable, life-saving treatments. Prohibiting patent thickets would limit manufacturers’ ability to unfairly stall generic and biosimilar drug development through abusive patent litigation practices. As a result, more generics and biologics could be approved and made available to patients in a timely manner, without being delayed by meritless litigation intended to stifle competition. We recommend Congress pass the Eliminating Thickets to Increase Competition Act (ETHIC) Act (H.R. 3269), prohibiting the use of patent thickets by drug manufacturers to delay generic competition.

**Prohibit Product Hopping:** Unfortunately, brand manufacturers can undermine clinicians’ efforts to provide patients with access to more affordable medications through “product hopping.” Product hopping occurs when a manufacturer of a brand pharmaceutical with an expiring patent moves

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patients to a new branded product that has modest or no therapeutic changes from the original product. This practice offers patients little or no apparent medical benefit yet burdens them with the costs of the new product's longer patent. We recommend Congress pass legislation prohibiting product hopping by making this practice an antitrust violation.

**Prohibit Pay-for-Delay and Other Anti-Competitive Agreements:** Brand drug manufacturers sometimes enter into "pay-for-delay" agreements with other manufacturers in which the manufacturer agrees to delay bringing its product to market, limiting access to affordable generic equivalents. This anti-competitive practice keeps prices artificially high. We recommend Congress pass legislation providing the FTC with statutory authority to intervene in financial arrangements meant to halt competition from safe and effective generic medications.

**Provide Transparency into the Patents that Manufacturers Assert:** Biogeneric manufacturers typically find it difficult to launch a product due to multiple patents asserted by biologic manufacturers. Without knowing all the patents a manufacturer asserts, a biogeneric manufacturer may encounter multiple legal obstacles. We recommend Congress pass legislation requiring biologic developers disclose all patents to the Food and Drug Administration (Purple Book), giving biogeneric manufacturers access to all patents the developer may later assert.

**Limit the Number of Patents that Can be Litigated:** Drug manufacturers stymie competition from generics by asserting multiple patent infringement suits under the Biologics Price Competition and Innovation Act. We recommend Congress pass legislation capping at 20 the number of patents under which a biologic manufacturer can sue.

**Require Consistency Between Representations to the FDA and USPTO:** Manufacturers are currently able to unfairly secure extensions of their market exclusivity for medications by submitting potentially inconsistent information to the FDA and the U.S. Patent and Trademark Office (USPTO). We recommend Congress pass legislation requiring manufacturers certify that they have not made inconsistent statements to the FDA and USPTO.

ASHP looks forward to continuing to work with the Subcommittee to ensure Americans have access to affordable prescription drugs. If you have questions or if ASHP can assist your office, please contact Frank Kolb at [fkolb@ashp.org](mailto:fkolb@ashp.org).

Sincerely,



Tom Kraus, vice president of government relations  
American Society of Health-System Pharmacists