Intellectual® Property Owners Association

June 2, 2026

The Honorable Darrell Issa
Chair
Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet
House Committee on the Judiciary

The Honorable Hank Johnson
Ranking Member
Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet
House Committee on the Judiciary

Dear Chairman Issa and Ranking Member Johnson:

We write in advance of the upcoming hearing on the ETHIC Act and the Skinny Labels, Big Savings Act to express IPO's opposition to both bills.

IPO is an international trade association representing a "big tent" of diverse companies, law firms, service providers, and individuals in all industries and fields of technology that own, or are interested in, intellectual property rights. IPO membership includes over 135 companies and spans over 40 countries. IPO advocates for effective and affordable IP ownership rights and offers a wide array of services, including supporting member interests relating to legislative and international issues; analyzing current IP issues; providing information and educational services; supporting and advocating for diversity, equity, and inclusion in IP and innovation; and disseminating information to the public on the importance of IP rights. IPO's vision is the global acceleration of innovation, creativity, and investment necessary to improve lives.

Both the ETHIC Act and the Skinny Labels, Big Savings Act represent a departure from the technology-neutral approach that has long been a core principle of the U.S. patent system. That principle is sound policy, and one the U.S. has consistently advocated for in trade negotiations with other countries. If technology-specific patent rules are harmful abroad, they are no less harmful at home.

The ETHIC Act's restriction on the number of patents a patent owner may assert in Hatch-Waxman or BPCIA litigation (to a single patent per "Patent Group") is unnecessary. Existing statutory frameworks and district court case management procedures already provide effective tools for narrowing the number of patents and claims at issue in complex litigation. Moreover, preventing biopharmaceutical innovators from enforcing valid patents in Hatch-Waxman and BPCIA proceedings is inconsistent with the United States' obligations under the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement, which requires that all industries be permitted to enforce their patents equally.

The Skinny Labels, Big Savings Act's safe harbor shielding generic and biosimilar manufacturers from nearly all infringement liability for skinny-label products is both unnecessary and overbroad. Recent Federal Circuit decisions addressing skinny-label products do not require legislative intervention because they turned on specific facts: the generic manufacturers had either failed to properly carve out patented uses from their labels or had used marketing practices that encouraged infringement. Existing statutory frameworks and the case law interpreting them already strike the appropriate balance, allowing generic and biosimilar manufacturers to bring products to market where the patents have expired but prohibiting them from encouraging infringement of innovative companies' still-valid patented uses.

IPO urges the subcommittee to consider these concerns as it evaluates both bills. We would welcome the opportunity to discuss IPO's positions at any time.

Respectfully submitted,

John Cheek

John Cheek
President

cc: Members, Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet