

PATIENTS FOR AFFORDABLE DRUGS NOW™

February 23, 2018

The Honorable Senator Tom Cotton
124 Russell Senate Office Building
Washington, DC 20510

Dear Senator Cotton,

As an organization that represents patients hurt by high prescription drug prices, Patients For Affordable Drugs Now is acutely aware of patent abuses that prevent cheaper generics from coming to market. Today we are writing in support of Senator Cotton's PACED Act which will help to address these patent abuses.

In 2017, the drug corporation, Allergan, transferred the patent for Restasis to the St. Regis Mohawk Tribe. The drug company [explicitly claimed](#) the move was intended to prevent inter partes review as intended under law and thus prevent less expensive generics from coming to market.

Following the transfer, Federal judge William Bryson declared that "The Court has serious concerns about the legitimacy of the tactic that Allergan and the Tribe have employed. The essence of the matter is this: Allergan purports to have sold the patents to the Tribe, but in reality it has paid the Tribe to allow Allergan to purchase—or perhaps more precisely, to rent—the Tribe's sovereign immunity in order to defeat the pending IPR proceedings."

Patients For Affordable Drugs Now has heard from patients all over the country who suffer from the high cost of Restasis.

Joseph Landi of Boca Raton, FL told us: "I'm a retired police officer. My doctor prescribed Restasis for chronic dry eye. I expect to spend at least \$1,000 this year for Restasis, and there is no cheaper generic. I have had to stop taking other drugs I need to pay for Restasis. How much do these drug companies need to make on the backs of patients?"

Generic competition is vital for bringing down the costs of medications like Restasis. Schemes like Allergan's to prevent patent review and block generics must be stopped. We were glad to hear that Senator Cotton plans to introduce the PACED Act. The legislation will ensure that all patent transfers may be reviewed by Inter Partes Review, and it will protect the patent process and prevent sham patent transfers.

Patients For Affordable Drugs Now strongly supports this legislation and urges Congress to move quickly in passing the PACED ACT to lower drug prices and ensure America's patent system works as intended.

Sincerely,

David Mitchell
Founder
Patients For Affordable Drugs Now