

The Latest “Ploy” to

Deny Patients

Affordable Generic Medicines

The Facts



Restasis is a prescription treatment for chronic dry eyes disease that costs consumers on average **\$465 for a 30-day supply**.

Allergan, a brand name drug company, has already enjoyed **15 years of exclusivity and collected revenues of nearly \$1.5 billion** annually for this product.



Manufacturers of generic medicines have been trying to bring an affordable, FDA-approved generic version of the drug to patients.

The Ploy

In September 2017, Allergan adopted an unprecedented strategy: **it paid millions of dollars to rent the sovereign immunity of a Native American Tribe**, and now it claims that its patents are beyond the reach of the U.S. Patent and Trademark Office (PTO). In effect, Allergan’s patents are seeking asylum on tribal lands.

The Ruling

Yesterday, Allergan’s Restasis patents were invalidated by a Federal District Court. The judge stated “What Allergan seeks is the right to continue to enjoy the considerable benefits of the U.S. patent system without accepting the limits that Congress has placed on those benefits through the administrative mechanism for canceling invalid patents.”

The Cost

If brand-name drug companies know they can shield themselves from PTO’s administrative procedures by paying a tribe a small fraction of the amount they receive in revenues each year, this “ploy” will proliferate. **The result will harm patients who lose access to competing products as long as invalid patents remain on the books.**

That’s why the Association for Accessible Medicines fights anti-competitive practices that cost patients, taxpayers, and health insurers billions of dollars each year and has called upon Congress and other policy makers to prohibit such abuses of our patent system that keep affordable medicines out of reach.