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Massachusetts Biotechnology Council
300 Technology Square, Eighth Floor
Cambridge, MA 02139

February 6, 2019

Dear Member of the Massachusetts Delegation:

On behalf of the Massachusetts Biotechnology Council (MassBio), I respectfully request your support of the forthcoming Senator Tillis/Congressman Flores measure which would preserve the groundbreaking law known as the Hatch-Waxman Act (HWA) – the single most important piece of legislation ever crafted to broaden patient access to life-saving treatments. This legislation created a true balance by allowing patients to get timely access to cheaper generic drugs, while ensuring that strong market incentives exist to continue the innovation cycle and bring new therapies to market.

MassBio represents more than 1100-member organizations, including companies, teaching hospitals, and academic institutions, the majority of which are directly engaged in research, development, and manufacturing of innovative products that improve the lives of people around the world. The Commonwealth's vibrant biomedical research and development community, by most accounts, ranks first in the world for medical discovery and innovation.

Senator Tillis and Congressman Flores are working to address the abuse of the inter parties review (“IPR”) process by those seeking to undermine the successful balance struck by the HWA. As you know, the HWA includes an expedited patent review procedure that provides generic entrants with numerous benefits. Nonetheless, some companies have attempted to game the system by mounting multiple collateral attacks on patents using IPR challenges in tandem with the Hatch-Waxman process. Congress never envisioned such a burdensome and unfair system in which drug innovators must defend their intellectual property in multiple fora under differing rules, standards, and procedures. Accordingly, we applaud the introduction of the “Hatch-Waxman Integrity Act of 2019” to preserve the time-tested approach of the HWA.

Thank you for your time and consideration of this request. I look forward to working with you and other stakeholders to enact public policy that will improve and preserve patient care in Massachusetts. If you have any questions or need additional information, please do not hesitate to contact me

Sincerely,

Robert K. Coughlin
President & CEO