

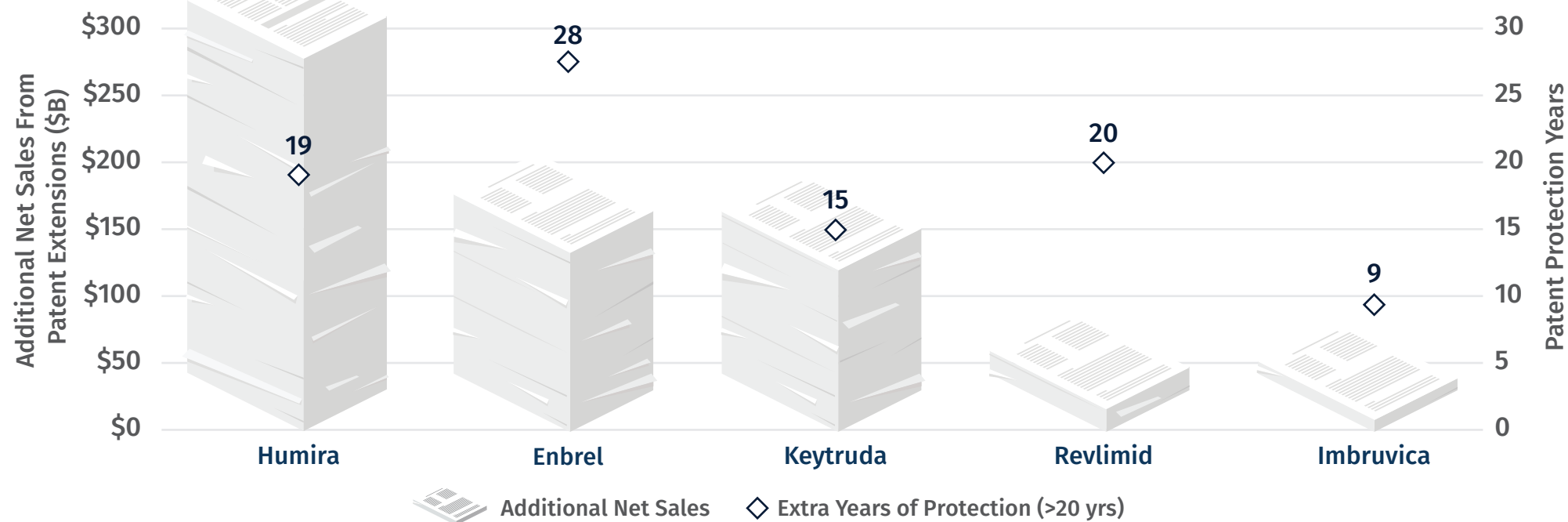
Brand Drug Manufacturers' Anti-Competitive Behavior: Patent Thickets

Brand drug manufacturers use a variety of strategies to extend the exclusivity of their drugs beyond the end of their original 20-year exclusivity period. They use “patent thickets” as an extension tool by filing multiple additional patents on the same drug after it receives FDA approval.

These patents are usually filed as the drug nears the end of its original exclusivity period. For five of the ten top-selling U.S. drugs, there were a **total of 584 patent applications** submitted after their initial FDA approval¹:

Humira	Revlimid	Imbruvica	Keytruda	Enbrel
231	145	91	65	52

Additional Patents Add More Than \$500 Billion



Patent thickets delay generic and biosimilar competition from coming to market, which has allowed manufacturers to enhance the prices of their drugs throughout the years. Patent extensions added more than **\$500 billion in additional sales** for these five drugs.

Source: Visante, Pharma Strategies for High-Priced Drugs, 2021.

Note: Keytruda is a Medicare Part B drug while all others are Medicare Part D drugs

1. Overpatented, Overpriced - How excessive pharmaceutical patenting is extending monopolies and driving up drug prices. I-MAK.org, accessed Dec 2020.