

HR 2884

Affordable Prescriptions for Patients Through Improvements to Patent Litigation Act

Congress: 117 (2021–2023, Ended)

Chamber: House

Policy Area: Commerce

Introduced: Apr 28, 2021

Current Status: Ordered to be Reported in the Nature of a Substitute by Voice Vote.

Latest Action: Ordered to be Reported in the Nature of a Substitute by Voice Vote. (Sep 30, 2021)

Official Text: <https://www.congress.gov/bill/117th-congress/house-bill/2884>

Sponsor

Name: Rep. Johnson, Henry C. "Hank," Jr. [D-GA-4]

Party: Democratic • **State:** GA • **Chamber:** House

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Issa, Darrell E. [R-CA-50]	R · CA		Apr 28, 2021
Rep. Jackson Lee, Sheila [D-TX-18]	D · TX		Sep 27, 2021

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Markup By	Sep 30, 2021

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
117 HR 5237	Related bill	Nov 1, 2022: Referred to the Subcommittee on Courts, Intellectual Property, and the Internet.
117 HR 5260	Related bill	Nov 1, 2022: Referred to the Subcommittee on Courts, Intellectual Property, and the Internet.
117 S 1435	Related bill	Jul 29, 2021: Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.

Affordable Prescriptions for Patients Through Improvements to Patent Litigation Act

This bill limits in certain instances the number of patents that the manufacturer of a biologic drug can assert in a lawsuit against a company seeking to sell a biosimilar version of that drug. (A biologic drug is produced through natural processes or isolated from natural sources. A biosimilar version is substantially similar to the original biologic, which is the reference product, and is often marketed as a less expensive alternative.)

The bill's provisions apply to an existing framework that gives the biosimilar manufacturer an abbreviated path to Food and Drug Administration approval to sell the biosimilar. Specifically, if the biosimilar manufacturer completes certain actions under the framework, such as sharing certain information about its product with the reference product manufacturer, the bill limits the number of certain patents that the reference product manufacturer may assert in a lawsuit, such as patents that were filed more than four years after the reference product received market approval. The limit shall not apply to patents claiming certain methods for using the biologic drug.

The court in which the infringement lawsuit is filed may increase the limit if justice so requires or if there is good cause for the increase.

Actions Timeline

- **Sep 30, 2021:** Committee Consideration and Mark-up Session Held.
- **Sep 30, 2021:** Ordered to be Reported in the Nature of a Substitute by Voice Vote.
- **Apr 28, 2021:** Introduced in House
- **Apr 28, 2021:** Referred to the House Committee on the Judiciary.