

# **Agreements Filed with the Federal Trade Commission under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003**

## **Overview of Agreements Filed in FY 2020 A Report by the Bureau of Competition**

During fiscal year 2020 (October 1, 2019 to September 30, 2020), pharmaceutical companies filed 205 agreements constituting final resolution of patent disputes between brand and generic pharmaceutical manufacturers.<sup>1</sup>

**Overview of FY 2020 Final Settlements**—In FY 2020, the FTC received 205 final settlements relating to 111 distinct branded products. For 34 of those products, the FTC received its first final settlement covering that product in FY 2020; for the other 77 products, the FTC had received a final settlement relating to the product in one or more previous fiscal years.





- x **At-Risk Launch**—3 of the final settlements occurred after the generic manufacturer had launched its product at risk.
  - o 2 of these settlements permit the generic manufacturer to continue selling the generic product and require the generic company to pay the brand manufacturer damages up to \$10 million for the at-risk sales.

**EXHIBIT 1**

	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Final Settlements	14	11	28	33	66	68	113	156	140	145	160	170	232	226	245	194	205
w/ Restriction on Generic Entry and Compensation	0	3	14	14	16	19	31	28	40	29	21	14	30	20	38	24	20
w/ Restriction on Generic Entry and Compensation (excluding Solely Litigation Fees ≤ \$7 million)	0	3	13	14	15	11	17	25	33	15	11	5	1	3	2	3	1
w/ Restriction on Generic Entry and Compensation Involving First Filers	0	2	9	11	13	15	26	18	23	13	11	7	16	6	18	14	11