

Joe Matal in Bloomberg Law on Drug Price Pressure on Patent Office

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PRACTICES Intellectual Property, Patent Office Trials

Haynes Boone Partner Joseph Matal talked with *Bloomberg Law* about the Biden administration's approach to bring down drug costs by challenging aspects of the U.S. patent system.

Below is an excerpt:

President Joe Biden, working through the Food and Drug Administration, has asked the Patent and Trademark Office to reconsider practices often criticized as vehicles for pharmaceutical companies to block generic competition, effectively extending their drug monopolies. ...

... Joseph Matal, who led the temporarily led the PTO under Trump, said the administration's proposed changes to patent policy, such as allotting more time to examiners, amount to "major undertakings and that would only indirectly affect drug prices, if at all." ...

... In Congress, senators and House members from both parties urged the agency to reconsider *Apple Inc. v. Fintiv Inc.*, a precedential PTAB decision that critics say has made it more difficult for generics to offer lower-cost versions of patented drugs.

"There have been actual cases of generic companies trying to challenge a drug patent as obvious at that PTO, and the PTO refusing to consider the challenge on its merits because of the recent *Fintiv* policy," Matal said.

To read the full article, click [here](#).