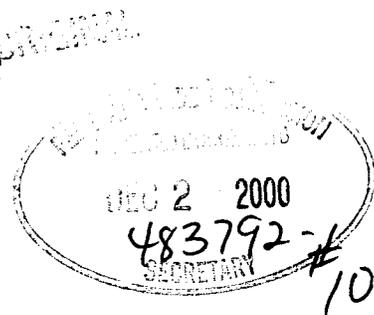


The Independent Information Center

RxHealthVal



18 December 2000

Donald S. Clark
Secretary
Federal Trade Commission
Room H-159
600 Pennsylvania Avenue, NW
Washington, D.C. 20580

Re: Generic Drug Study – FTC File No. V000014

Dear Secretary Clark:

RxHealthValue is a national coalition representing consumers, labor unions, provider organizations, health plans and insurers, business health groups, large employers, and pharmacy benefit management organizations (cf. <RxHealthValue.org>). We applaud the Federal Trade Commission's investigation of the possible anti-competitive activities of pharmaceutical manufacturers in using the 30-month stay and the 180-day marketing exclusivity provision of the Hatch-Waxman Act.

We believe there is ample evidence of use of Hatch-Waxman by branded manufacturers to prevent or delay timely entrance of generic competitors to the market. The example of BuSpar indicates an application of intellectual property laws never anticipated by Congressional authors of the Act and is a clear attempt to introduce questionable legal theories to delay generic competition. In addition, we support further study of cases where manufacturers of brand name drug products have entered into anticompetitive agreements with generic manufacturers to delay or eliminate specific generic drug products entrance. We look forward to assisting the Federal Trade Commission in making the prescription drug market more competitive.

Sincerely,

John D. Golenski, Ed.D.
Executive Director

Cc: RxHealthValue members