



## AMERICAN ANTITRUST INSTITUTE COMPETITION ROUNDTABLE

### STEMMING THE TIDE OF COMPETITIVE AND CONSUMER HARM IN PHARMACEUTICAL MARKETS National Press Club – Washington, D.C. – October 2, 2019

#### SUPPORTING MATERIALS

##### PANEL 1: UNPACKING THE LAW AND ECONOMICS OF NEW APPROACHES TO LIMITING COMPETITION IN PHARMACEUTICAL MARKETS

- Federal Trade Commission Comment on the Food and Drug Administration's Revised Draft Guidance on Citizen Petitions, FTC (December 2018) ([https://www.ftc.gov/system/files/documents/advocacy\\_documents/federal-trade-commission-comment-food-drug-administrations-revised-draft-guidance-industry-entitled/p013510\\_ftc\\_comment\\_regarding\\_fdas\\_revised\\_draft\\_guidance\\_12-3-18.pdf](https://www.ftc.gov/system/files/documents/advocacy_documents/federal-trade-commission-comment-food-drug-administrations-revised-draft-guidance-industry-entitled/p013510_ftc_comment_regarding_fdas_revised_draft_guidance_12-3-18.pdf)).
- Bret Dickey et al., *Pharmaceutical Product Hopping: Is There a Role for Antitrust Scrutiny?*, 82 ANTITRUST L.J. 679 (2018-2019) (<https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=4097&context=facpubs>).
- Kwanghyuk Yoo, *Pharmacy Benefit Managers and Generic Pharmaceuticals Pricing Conspiracy: Unveiling Lock-In Mechanisms, Structural Shortcomings and Antitrust Evidence*, 64 S.D. L. REV. 43 (2019) (<https://ssrn.com/abstract=3379068>).
- David Balto, *Abuse of the FDA Regulatory Process and Possible Solutions* (<https://www.fda.gov/files/drugs/published/Presentation--Abuse-of-the-FDA-Regulatory-Process-And-Possible-Solutions--Hatch-Waxman-Meeting-July-2017.pdf>).

##### PANEL 2: POLICY RESPONSES TO PROMOTING COMPETITION IN PHARMACEUTICAL MARKETS

- Michael A. Carrier, *Three Challenges for Pharmaceutical Antitrust*, 59 SANTA CLARA L. REV. (forthcoming 2019) (<https://ssrn.com/abstract=3359299>).
- Michael A. Carrier et al., *Playing Both Sides: Branded Sales, Generic Drugs, and Antitrust Policy*, STANFORD LAW AND ECONOMICS OLIN WORKING PAPER NO. 533 (March 11, 2019) (<https://ssrn.com/abstract=3350629>).
- Ravi Gupta et al., *Generic Drugs in the United States: Policies to Address Pricing and Competition*, 105 CLINICAL PHARMACOLOGY & THERAPEUTICS 329 (February 2019) (<https://doi.org/10.1002/cpt.1314>).
- Michelle M. Mello, *What Makes Ensuring Access to Affordable Prescription Drugs the Hardest Problem in Health Policy?*, 102 MINN. L. REV. 2273 (2018) ([http://www.minnesotalawreview.org/wp-content/uploads/2018/07/Mello\\_MLR.pdf](http://www.minnesotalawreview.org/wp-content/uploads/2018/07/Mello_MLR.pdf)).