

are infused, providers will often determine whether a biosimilar is selected. This may enhance their success or at least contribute to a highly competitive environment. Some concerns arise from the patent dance provisions of the law. Communication between competitors can lead to problems for consumers. Although the idea of resolving patent issues during the period when the originator enjoys monopoly status is admirable, unintended adverse effects may occur.

In any event, the BPCIA seems to have struck a reasonable balance between encouraging innovation and allowing competition. Indeed, the lower prices that competition will provide may well permit more innovation than would otherwise occur and thus increase consumer welfare.

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