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December 13, 2021

Xavier Becerra
Secretary
Department of Health & Human Services
United States of America
Via Email: xavier.becerra@hhs.gov

Dear Secretary Becerra:

My name is Eric Sawyer. I live and work in New York City, I am living with prostate cancer. I ask to join the petitions of Clare Love and Robert Sachs calling on the U.S. government to use its march-in rights to permit generic competition for the prostate cancer drug enzalutamide, currently marketed by Astellas, a Japanese multinational pharmaceutical company, under the trade name of Xtandi.

The price charged by Astellas in Japan was reported at \$21.70 per 40mg. The required dose is four 40mg capsules per day, or \$ 31,682 per year. The current [Drugs.Com](https://www.drugs.com) pricing in the United States is \$106.88 per 40 mg capsule, which is \$427.52 per day, or 156,044.80 per year. According to data on pricing available at <http://drugdatabase.info/>, the U.S. price is at least 3 to 5 times more expensive than in other high income countries.

As described in the November 18, 2021 march-in petition to HHS from Love and Sachs, enzalutamide was invented at UCLA on grants from the NIH and the US Army, and the US government also funded an early clinical trial. Astellas is not “making the benefits of the patented inventions “available to the public on reasonable terms.” which is a requirement of bringing a product to “practical application,” as defined in 35 USC 201(f).

Prostate cancer is the opposite of a rare disease. U.S. residents should not be victims of discriminatory price gouging for this cancer drug. If anything, the drug should be cheaper in the United States than elsewhere, not more expensive, since it was invented on taxpayer funds.

This is not a complicated march-in case. HHS will either endorse discriminatory price gouging against US residents for this taxpayer funded cancer drug, or reject discriminatory price gouging against US residents for this taxpayer funded cancer drug.

Sincerely,

Eric Sawyer

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