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Dear Chairman Nadler,

It is with pleasure that I provide the following response to the question submitted for the record following the House Judiciary Subcommittee on Antitrust, Administrative, and Commerical Law's April 29th, 2021, hearing titled, "Treating the Problem: Addressing Anticompetitive Conduct and Consolidation in Health Care Markets."

Question from Representative Eric Swalwell:

> I represent Veeva Systems, a cloud computing company in the healthcare space. It has alleged, in a lawsuit as well as communications with my office and the Federal Trade Commission (FTC), certain antitrust abuses in the healthcare industry. Specifically, it complains that one company, IQVIA, which maintains an enormous database of global sales and reference data on doctors and prescriptions of pharmaceuticals, is a monopolist which is refusing to allow bio-tech and pharmaceutical companies that use software that competes with IQVIA to have access to this vital warehouse of data.
>
> Without commenting on the merits of Veeva's allegations, how can it be damaging to competition when a monopolist refuses competitors access to data or information needed to compete? Can such an action be an abuse of monopoly power?

Reponse:

> I am not familiar with, nor can I comment on, the specific facts of the Veena Systems litigation. In a different context, however, I would note that Congress itself recently expressed concerns about refusals to deal with a competitor in the health care space. The CREATES Act, which was signed into law in December 2019 as part of the Further Consolidated Appropriations Act of 2020, established a private right of action allowing companies that are in the process of applying for approval of generic, biosimilar, or interchangeable drugs to bring suit against brand companies who refuse to provide samples of the brand drug for comparison, thereby hindering FDA approval of the generic, biosimilar, or interchangeable.

Warmest regards,
Robin Feldman