

Press Coverage | June 29, 2026

The Supreme Court Just Made It Easier for You to Get Cheaper Generic Drugs—With 1 Major Catch

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Alan Clement, a partner in Troutman Pepper Locke’s Health Care + Life Sciences Intellectual Property Practice Group, was quoted in the June 29, 2026, *Inc.* article, “[The Supreme Court Just Made It Easier for You to Get Cheaper Generic Drugs—With 1 Major Catch.](#)”

Pharmaceutical intellectual property litigator [Alan Clement](#) told *Inc.* that brand manufacturers will have to rethink both their litigation and patent strategies in light of the decision.

“Brand manufacturers will have to couch their allegations in the pleadings as to active steps taken by the generic to induce, instead of relying on allegations of how a medical practitioner might perceive what the generic is doing,” he said.

Clement noted that brand companies may also begin filing separate applications for new drug indications—rather than adding them to existing ones. They could also start to lean more heavily on safety-related patent claims, areas where the FDA is less likely to permit a generic carve-out.

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However, the ruling is not a complete shield for generic manufacturers. “The Court left open that a generic company could take other steps, such as in the [marketing](#) of the product, that could amount to active steps to induce another to infringe,” Clement explained.

Clement said the ruling leaves unanswered questions about what kinds of communications and marketing by generic manufacturers could still be considered active steps toward inducing infringement.

For patients who rely on affordable medications, the ruling is a step in the right direction. However, as Clement noted, the ruling answers one important question—while raising several new ones.

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