

PROSECUTING AND LITIGATING PXRD PATENTS

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The past 15 years have experienced an explosion in the number of patents claiming solid forms of drugs, and in the number of such patents which have been litigated. The explosion is due to a combination of economics of the drug industry, the laws relating to pharmaceutical patents and the marketing of generic drugs, as well as court decisions interpreting those laws.

The presentation is directed to scientists and is intended to give a general background in patents, in patents claiming solid forms of drugs, and in the laws that control and often encourage patent litigation of such drug patents. The following cases will be discussed: *In re Certain Cefadroxil Monohydrate*; *Zenith v. Bristol-Myers Squibb* (cefadroxil monohydrate, Ultracef, Duracef) ; *Glaxo v. Novopharm and Glaxo v. Torpharm* (ranitidine hydrochloride, Zantac) and *Abbott v. Geneva* (terazosin, Hytrin). We will particularly distinguish how courts interpret x-ray diffraction patents from how scientists interpret x-ray diffraction patterns.

