

**THE NEW GOLDEN AGE OF PHARMACEUTICAL PATENTS: COCRYSTALS  
AND THE SOLID STATE – SPECIAL THANKS TO THE SUPREME COURT OF  
THE UNITED STATES**

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The past year has been nothing short of revolutionary in the field of pharmaceutical patent law. With pressure from the courts, Congress, and the United States Patent Office, the way in which patents are prosecuted and enforced has changed and will continue to evolve. One area which has received enormous attention is that of obviousness. Both the Supreme Court of the United States and the lower courts have raised the bar with respect to whether inventions are sufficiently "non-obvious" to warrant patent protection. Pharmaceutical patents have received special scrutiny under this standard, especially those directed to second-generation or follow-on patents. This presentation will discuss the major changes associated with the obviousness standard and how recent advances in solid-state chemistry may come to the rescue of technology that can and should be patented. For example, cocrystals have proven themselves to be excellent vehicles for controlling solubility properties of APIs. Such cocrystals are also eligible for patent protection. In the presentation, we will discuss how to protect cocrystals and why, at least in this author's view, such cocrystals have a much better chance of surviving and prevailing under the new obviousness standards than other types of pharmaceutical patents.