InsideCounsel: Giulio Deconti and Brian Trinque on Federal Circuit Decisions of Second Generation Drug Patents

October 3, 2011

In recent years, the Federal Circuit has reviewed a number of "second generation" patents that are directed toward new discoveries related to previously known, and often commercially viable, drugs. These inventions include new salt forms or stereoisomers, new diseases to be treated and improved drug formulations. Provided they represent improvements within fields of study that are frequently very crowded, these developments often result in patents that provide additional protection for drugs that are covered by soon-to-expire, "first generation" patents. Read more ...