

Aydin Harston Quoted in Bloomberg Law Article on Federal Circuit Ruling Leaving Certain Pharma Patents Vulnerable

Media Mention
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Partner Aydin Harston is quoted in a Bloomberg Law article on a Federal Circuit ruling that could leave some pharmaceutical patents susceptible to challenges based on inherent obviousness.

In the case, *Persion Pharmaceuticals LLC v. Alvogen Malta Operations Ltd.*, Alvogen was sued for infringing two patents involving an opioid pain medication. The ruling - which found that characteristics of claims not explicitly disclosed in earlier documents would have been inherently obvious based on a combination of prior art references - may make it easier for generic drug makers to use inherent obviousness when challenging certain patent claims, particularly pharmaceutical patents claiming results or properties.

Aydin explained that because "deciding what would have been obvious at the time of the invention can be subjective, whereas inherency is an objective inquiry, so '[w]hen you try to conflate those two, you run into trouble and confusion.'"

The article, "Federal Circuit Ruling Could Put Certain Drug Patents At Risk," by Matthew Bultman, can be read [here](#).

Key Contact

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