U.S. Appeals Court Upholds Lyrica Patent That Expires
On December 30, 2018

NEW YORK, N.Y., February 6 - Pfizer Inc. announced today that a panel of the Court of Appeals for the Federal Circuit has upheld the composition of matter patent covering LYRICA® (pregabalin) capsules CV. “We are pleased with today’s decision by the Court of Appeals for the Federal Circuit ensuring Pfizer will exclusively provide pregabalin as LYRICA® to patients through December 30, 2018 in the U.S., pending a possible rehearing or appeal of this decision and pending other litigation,” said Michael Parini, senior vice president and associate general counsel for Pfizer.

In the same decision, the Appeals Court ruled that arguments relating to a second patent covering the use of pregabalin for treatment of pain are moot, given the Court’s decision on the composition of matter patent.

The Appeals Court ruled in this lawsuit brought in 2009 by Pfizer and Northwestern University, which owns the patent covering the active ingredient pregabalin, against generic companies that applied to the FDA to market a generic version of LYRICA® prior to the expiration of the patents covering pregabalin and its use. Any of the generic appellants may request a rehearing by the Court of Appeals or a review by the Supreme Court. Litigation on the same patents remains pending in federal court in Delaware against other generic companies.

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The two patents at issue in the lawsuit are U.S. Patent No. 6,197,819, which covers the active ingredient pregabalin, and U.S. Patent No. RE 41,920, which covers methods for using pregabalin to treat pain. Both patents expire December 30, 2018.