



## Patenting Solid Forms of Psilocybin

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New crystalline forms of existing compounds are frequently discovered and characterized by XRPD, and inventors often rely on XRPD peak positions to claim these new polymorphs in patent applications. But earlier published literature may cause a patent examiner to be concerned with whether the claimed invention is expressly or implicitly disclosed in those prior investigations. Patents may also be granted but then later found to be invalid through litigation, or in Inter Partes Review proceedings in the United States. A recent case in front of US Patent Trial and Appeal Board concerned the hallucinogenic drug psilocybin, which was first isolated from mushrooms and characterized in 1958. A key scientific question was whether earlier literature XRPD data for psilocybin anticipates the claims covering solid forms of this compound in later issued patents. This presentation will focus on the scientific issues related to those proceedings.

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