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Patent Rights: How To Get A Patent On A Medication  
[Kristie Prinz](#)

**Q.** Who would I need to consult with in order to obtain a patent on a medication and get it to market?

-- BRANDON

**A.**

Assuming the medication is entirely your own invention, your first step will most likely be to consult with and hire a good biotech patent prosecutor. Ideally, you will want to find such a prosecutor who is licensed in your jurisdiction; however, because the biotech field is so specialized, the possibility exists that you may have to broaden your search for the right attorney beyond your jurisdiction to a jurisdiction where there is a biotech industry. As you may know, the biotech industry is concentrated in a few locations nationwide, with the highest concentration in the Bay Area and San Diego. If you are unable to find an attorney in your jurisdiction who practices in the area of biotech patent prosecution, my suggestion would be to look for an attorney licensed to practice in your state in one of those biotech cluster locations.

If, on the other hand, the invention is not entirely your own, then you may need to consult with an attorney with an intellectual property transactions practice in order to put in place the agreements needed to develop your product. If this is your situation, my advice would again be to look first for such an attorney in your jurisdiction. If no such attorneys are available, then you will probably need to look outside your jurisdiction and seek an attorney in one of the biotech cluster locations with the right skills and state bar license to assist you.

With respect to your question about taking a medication to market, that is a long process that can take many years to achieve, and unfortunately, this topic is very much outside the scope of my practice. Having said this, I can tell you that the Bay Area has generated a long list of biotech start-ups, so there are going to be a wealth of advisors in the area (as well as San Diego) who will have the background to be able to assist you. A good next step would be to hire such an advisor. In the alternative, you may want to consider approaching an incubator facility, particularly one specializing in incubating biotech companies, which should also be in a position to advise you on how to get started.

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-- Kristie Prinz

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