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Building a Strong Patent Portfolio: What to Protect

Happy New Year, Founders! As we enter 2026, I encourage pharmaceutical innovators to approach intellectual property with energy and intention. The start of the year is the perfect time to step back and review your patent strategy: Are you focusing on the right assets? Is your portfolio set up to support your company's goals, growth, and resilience in the market?

Essential Patent Protection Areas for Pharma Startups

A strong patent portfolio is vital for establishing competitive advantage, securing investment, and supporting long-term growth. It's no secret that at the center of every successful pharma IP strategy are the core compounds, compositions, and their uses that define your innovation.

This entry, Part I in our multi-part series, focuses on this most critical piece: protecting your core compounds and compositions, along with the ways they are used.

Part I: Core Compounds and Compositions and Their Uses

A well-structured patent portfolio begins with robust protection for your core compounds, compositions, and their intended uses. This is your foundation. Without it, everything else becomes much harder to defend and monetize.

Key Actions to Consider:

- **Protect your lead molecules:** Make sure the compounds central to your innovation are covered.
- **Don't forget formulations and methods of use:** Ensure your filings cover not only the chemical composition but also formulations and all relevant methods of use within your therapeutic program.
- **Food for Thought: Is your lead compound or composition explicitly claimed in your patents, or is it only part of a larger, more general group (genus)?**

Take this opportunity to assess whether your patent applications specifically and unambiguously claim your lead molecule, or if it is only described as part of a broader chemical class. This distinction is pivotal:

- **Explicit claims** (directly claiming the lead compound) give you stronger protection and can be critical during due diligence, while attracting inventors, and dealing with litigation.
- **Broad genus claims** (covering a wide group, including your lead compound) might seem appealing; however, if your key compound is not clearly singled out and supported within the patent, you could be leaving yourself exposed.

Think with the end in mind:
Imagine your patent is being challenged or tested. Ask yourself:

1. What claims would you be comfortable betting the company on?
2. Are your most valuable assets (i.e., the lead compounds and their uses) clearly and defensibly claimed?
3. Have you included enough data and specific examples to support both the breadth and precision of your claims?

Getting clear on these questions now helps set you up for success and avoids surprises down the road.

Next Steps:
If your leads are clearly and defensibly claimed: Congratulations! You've completed a crucial first step.

If you're not sure, or if your patents don't specifically cover your key compounds: Talk to your patent attorneys. Don't let uncertainty linger. Your legal team can help you tighten up your claims and develop a strategy to protect what matters most.

Moving Forward:
At Kilpatrick, our Intellectual Property teams provide tailored support to help pharmaceutical startups build, manage, and optimize their patent portfolios. We understand the urgency and complexity of early-stage innovation, and our goal is to deliver clear, strategic guidance that enables founders to protect their science and achieve meaningful milestones.

For more information on building a strong patent portfolio, or to access additional resources from IP Rx: The Pharma Founder's Toolkit, please visit our page or connect with me.