

ENANTA PHARMACEUTICALS, INC. v. PFIZER INC., Appeal No. 2025-1427 (Fed. Cir. June 23, 2026). Before Lourie, Bryson, and Chen. Appealed from D. Mass. (Judge Casper).

Background:

Enanta sued Pfizer in June 2022 alleging that Pfizer's antiviral Paxlovid (nirmatrelvir/ritonavir tablets) infringed Enanta's claims directed to compounds and methods of inhibiting coronavirus replication activity.

In the asserted claims, the compound included a substituent defined to include a C₁-C₈ alkyl. Enanta's patent claimed priority to its July 2020 provisional application, which disclosed the substituent as including a "C₂-C₁₂ alkyl". In the July 2021 non-provisional application, Enanta corrected this to "C₁-C₁₂ alkyl".

Pfizer argued that the claims were not entitled to the provisional priority date and moved for summary judgment of invalidity based on Pfizer's April 2021 public disclosure of nirmatrelvir that anticipated the claims.

The district court granted summary judgment of invalidity, holding that the "C₂"-to-"C₁" discrepancy was not a correctable error and that Enanta's claims were not entitled to the provisional application priority date and were therefore invalid. Enanta appealed to the Federal Circuit, which reviewed the priority and summary judgment determinations *de novo*.

Issue/Holding:

Did the district court err in its determination that the asserted patent could not claim the provisional application's priority date? No.

Discussion:

The Federal Circuit affirmed the district court's determination. The Federal Circuit reasoned that the relevant issue is whether there was a genuine dispute of material fact as to whether the provisional application provided written description support for the claimed compound which included C₁ alkyl as part of the relevant substituent.

The provisional application's disclosure of an alkyl group having 2-12 carbon atoms provided no support for the claimed compound with an alkyl group having 1 carbon atom. The two alkyl groups were simply different, and thus, the provisional application did not convey to a skilled artisan that the inventors had possession of the claimed compound including the C₁ alkyl at the time of the provisional application's filing date.

Enanta argued that the provisional application contained an obvious typographical error as confirmed by its expert's opinion. However, the Federal Circuit noted that the expert pointed to a typographical error in the provisional application's general definition of "alkyl," not in its specific disclosure of the substituent at issue.

Judge Lourie also analogized the difference between the C₁ and C₂ alkyls to the difference between ethanol, a two-carbon alcohol that is regularly consumed, and methanol, a one-carbon alcohol that is highly toxic, despite their structural similarity, noting that disclosing ethanol would not similarly disclose methanol.