

Insights: Publications

Statement of Invention or “Hunting Expedition”?: Written Description for Claimed Ranges

Kilpatrick Townsend MEMO|Biopharma Industry and Post-Grant Proceedings Blogs

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“A written description . . . requires a statement of an invention, not an invitation to go on a hunting expedition to patch together after the fact a synthetic definition of an invention.” For claims reciting ranges, satisfying the written description requires an applicant to explicitly describe the claimed ranges or the end values of the ranges **as of the filing date**. Written description cannot solely rely on cobbling together the numbers of the range after the fact. *Id.* at 1329. A failure to meet the written description requirement due to the lack of such a statement cannot be cured by disclosing representative working examples within the claimed range.

Related People



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