Insights: Perspectives

5 Key Takeaways | Best Practices in Patent Drafting: Addressing 112 and Enablement after *Amgen*

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5 KEY TAKEAWAYS

Best Practices in Patent Drafting: Addressing 112 and Enablement after *Amgen*

On December 8, Partner Nena Bains and Counsel Yifan Mao presented "Best Practices in Patent Drafting: Addressing 112 and Enablement After *Amgen*" at the 24th Annual Berkeley-Stanford Advanced Patent Law Institute organized by Berkeley Center for Law & Technology and Stanford Law School.

The launch of the UPC could significantly alter patent law around the world. Whether you are a patent litigator, a patent prosecutor, or product counsel you need to understand this new global landscape and the impact that it could have on your existing domestic practices.

Ms. Bains and Ms. Mao offer their 5 Key Takeaways from the discussion:

1. Layer the claims with functional features and structural features during drafting.

2. Include picture claims closely covering the company's commercial products to ensure protection of the most valuable assets and to obtain patent term extension, if eligible.

3. Do not lose sight that broad functional claims may still be patentable in ex-US jurisdictions.

4. Use multiple dependencies and paraphrase claims as embodiments to maximize support.

5. Include data and examples to support the full claim scope for inventions in unpredictable art.

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Related People



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