

Insights: Publications

3 Key Takeaways | AI and Generative AI -- What's Here, What's Coming

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Kilpatrick partner [Charles Gray](#), a patent attorney and the firm's Shanghai Office Managing Partner, joined other leading Kilpatrick attorneys on a panel at the 20th annual KTIPS (Kilpatrick Townsend Intellectual Property Seminar) to discuss the topic of “AI and Generative AI: What's Here, What's Coming.” The panel presented the complexities of artificial intelligence and generative AI in the IP landscape. Panelists covered USPTO inventorship guidelines on AI-assisted inventions; the increasing role of AI in drug development; extending medical device patent claims with AI and genAI; developments and decisions in copyright cases filed across the country and the fair use issues associated with training data; and key observations and the great debate on how genAI will affect the future of patents. Mr. Gray provides these key takeaways from his segment of the presentation:

1. AI will likely result in a significant increase in the amount and quality of prior art available. This will likely decrease the allowance rates of patents while at the same time increase the overall strength and quality of issued patents.
2. Two bipartisan legislations are likely to be passed as early as 2025, which will codify existing judicial interpretations for patentability and address the challenges and opportunities presented by IA technologies.
3. AI tools for patent prosecution are still very early in development. Major concerns with privacy, comingling of materials from competitors, and high error/hallucination rates still provide for significant challenges to using such tools.

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