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Supreme Court Grants Amgen's Petition for Certiorari to Reconsider Enablement of Genus Claims

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Last week, the Supreme Court granted Amgen's petition for certiorari to reconsider the enablement requirement for genus claims. The Supreme Court will review whether the Federal Circuit panel in *Amgen v. Sanofi* improperly created a new and heightened test for enablement of genus claims with functional limitations. The Supreme Court declined to review Amgen's first question in the petition regarding whether enablement is a question of fact to be determined by the jury or a question of law determined by the court. Notably, the Supreme Court granted Amgen's petition for certiorari against the recommendation of the Solicitor General.

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