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Subject: Amgen Inc. v. Sanofi

Dear Colleagues,

On May 18, 2023, the Supreme Court decided the *Amgen Inc. v. Sanofi* case, which dealt with claims to antibodies. The unanimous decision held that the specification did not enable the patent's functionally defined claims. We are carefully considering the decision and will be communicating next steps to employees in the next few days. In the meantime, USPTO personnel should continue to follow the guidance in the MPEP regarding enablement (see, e.g., MPEP 2161 and 2164).

Robert W. Bahr
Deputy Commissioner
for Patents