Intellectual Property Law NEWSLETTER

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# Practice Points after *Amgen v. Sanofi*

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## I. INTRODUCTION

The Supreme Court's decision in *Amgen v. Sanofi*[1] provides guidance on the state of the law of enablement, specifically in the area of biotechnology. While the Court did not change the enablement analysis used by the Federal Circuit, the opinion illustrates an important balance that practitioners should strike when prosecuting patent applications in this area.

## II. THE PATENTS AND TECHNOLOGY AT ISSUE

The technology at issue is Amgen's monoclonal antibody REPATHA® (evolocumab), which is used for the treatment of high cholesterol levels in patients. The antibody binds to an enzyme called PCSK9 ("proprotein convertase subtilisin/kexin type 9"), which normally binds to and degrades low-density lipoprotein receptors ("LDLR") in liver cells, preventing them from efficiently removing LDL cholesterol from the bloodstream.

Amgen's monoclonal antibody increases the number of LDLRs by inhibiting PCSK9 and leads to a decrease in the amount of LDL in the patient's bloodstream.[2] Sanofi developed a competitor antibody, PRALUENT® (alirocumab) which also binds to and inhibits PCSK9 binding to LDLRs, thereby decreasing LDL concentration in a patient's blood.[3]

Amgen sued Sanofi for infringement of two patents, U. S. Patent No. 8,829,165 and U. S. Patent No. 8,859,741. We can look at claim 1 of the '165 patent as being representative of the claims (emphasis added):

> 1. An isolated monoclonal antibody, wherein, when bound to PCSK9, the monoclonal antibody *binds* to at least one of the following residues: S153, I154, P155, R194, D238, A239, I369, S372, D374, C375, T377, C378, F379, V380, or S381 of SEQ ID NO:3, and wherein the monoclonal antibody *blocks* binding of PCSK9 to LDLR.

As we can see, the claims of the two Amgen patents at issue generally relate to antibodies that can i) bind to PCSK9 and ii) block the binding of PCSK9 to LDLR. These antibodies will bind to the so-called "sweet spot" of PCSK9, *i.e.*, the amino acids that make up the natural site on PCSK9 where LDLRs bind. The sweet spot comprises about 15 amino acids.

Monoclonal antibodies ("mAbs") are Y-shaped proteins. They are made of amino acid sequences, which are encoded by DNA sequences, and comprise two Heavy chains and two Light chains. These are held together by disulfide bonds. The Variable Regions or the Complementarity Determining Regions, which are on the end of both the Heavy and Light chains, are responsible for binding to specific target antigens. The Constant Regions provide stability and facilitate effector functions, such as binding to the Fc Receptor[4].

The Amgen patents claim the mAb based on two functions: i) binding of PCSK9 at defined amino acid residues and ii) blocking of the binding of PCSK9 to LDLR. Note that no actual structural information (i.e., sequence) is provided in the claims for the mAb.

Amgen, in the Specification of the patents, disclosed the amino acid sequences of 26 antibodies that perform both the binding and blocking functions. It also depicted the three-dimensional structures of two of these 26 antibodies. The Specification offered two methods to make other antibodies that perform the binding and blocking functions it claimed:[5]

i) "Roadmap": (1) generate a range of antibodies in the lab; (2) test those antibodies to determine whether any bind to PCSK9; (3) test those antibodies that bind to PCSK9 to determine whether any bind to the sweet spot; and (4) test those antibodies that bind to the sweet spot to determine whether any block PCSK9 from binding to LDL receptors.

ii) "Conservative Substitution": (1) start with an antibody known to perform the described functions; (2) replace select amino acids in the antibody with other amino acids known to have similar properties; and (3) test the resulting antibody to see if it also performs the described functions.

Both techniques require screening for binding to the target PCSK9 and functional ability, *i.e.*, blocking the binding of PCSK9 to LDLR.[6]

Sanofi argued that it was not liable to Amgen for infringement because Amgen's asserted claims were invalid under Section 112(a) of the Patent Act for lack of "enablement." [7]

Both the district court and the Federal Circuit sided with Sanofi, having found that the claims were invalid as lacking enablement. Amgen appealed.

## III. THE SUPREME COURT DECISION

The Court looked to several historical cases in its enablement analysis.[8] The opinion cited the *Morse*[9] decision, in which a patent for a telegraphic system was found to be "too broad, and not warranted by law." The problem was that the claim covered all means of achieving telegraphic communication, yet Morse's specification did not describe how to make or use them all.

In the *Incandescent Lamp*[10] decision, Thomas Edison was accused of infringing a competitor's patent directed to a filament for an electric lightbulb. The Court sided with Thomas Edison because his rival inventors, rather than confining their claim to a carbonized paper electric lightbulb filament, "made a broad claim for every fibrous and textile material."

In the *Holland Furniture*[11] decision, a claim covering all "starch glue which, [when] combined with about three parts or less . . .of water, will have substantially the same properties as animal glue" was found to lack enablement. In this case, the specification of the patent at issue described the key input—the "starch ingredient"—in terms of its "use or function" rather than its "physical characteristics or chemical properties."[12]

The Court also cited the *Wood*[13] case, in which the claims of the patent had been found to meet the enablement requirement. The patent at issue in *Wood* had claims directed to a process for making bricks by mixing coal dust into clay and included "a general rule" about the proportion of dust and clay to use and offered two alternative proportions "where the clay has some peculiarity."[14]

Applying these precedential cases in the decision, the Court found that the two Amgen approaches amount to little more than two research assignments.[15] With regard to the Amgen "Roadmap," the Court set forth that it merely describes step-by-step Amgen's trial-and-error method for finding functional antibodies—calling on scientists to create a wide range of candidate antibodies and then screen each to see which happen to bind to PCSK9 in the right place and block it from binding to LDL receptors.[16] Regarding the "Conservative Substitution" method, the Court stated that it requires scientists to make substitutions to the amino acid sequences of antibodies known to work and then test the resulting antibodies to see if they do too—an uncertain prospect given the state of the art.[17] The Court wrote that Amgen offers persons skilled in the art little more than advice to engage in "trial and error."[18]

The Court found that the decisions in *Morse*, *Incandescent Lamp*, and *Holland Furniture* reinforce the "simple statutory command."[19] If a patent claims an entire class of processes, machines, manufactures, or compositions of matter, the patent's specification must enable a person skilled in the art to make and use the entire class. In other words, the specification must enable the full scope of the invention as defined by its claims. The more one claims, the more one must enable.[20]

## IV. TAKEAWAYS FOR PATENT PRACTITIONERS

The Court wrote that it may suffice to give an example (or a few examples) if the specification also discloses "some general quality . . . running through" the class that gives it "a peculiar fitness for the particular purpose."[21] In some cases, disclosing that general quality may reliably enable a person skilled

in the art to make and use all of what is claimed, not merely a subset.[22] The Court also relied on the *Wood* case, in which the patent included "a general rule" about the proportion of dust and clay to use and offered two alternative proportions "where the clay has some peculiarity."[23]

With regard to prosecution practice going forward in the area of biotechnology, it seems important to strike a balance between: i) predictability/unpredictability of the art; ii) guidance provided in the specification; and iii) the scope of claims.[24]

Particularly in the antibody art, in light of this case, it is important to define the antibody, for example, by sequence instead of only defining the target epitope. In order to seek some breadth of coverage for antibody claims, perhaps include a "core structure" with some additional elements comprising alternative directed substitutions, similar to Markush language used in New Chemical Entity type chemical applications. This would provide "some general quality . . . running through" the claimed class that gives it "a peculiar fitness for the particular purpose."[25] It is important in these applications that the specification provide examples of working embodiments which will establish the "general quality . . . running through" the class that gives it "a peculiar fitness for the particular purpose;" or "a general rule" with "some peculiarity."[26]

In addition, it is always a good idea to keep the patent application family alive, *i.e.*, get a patent on the core working commercial embodiment (*e.g.*, see U.S. Patent No. 8,030,457 to Amgen), then claim more broadly in continuing applications, using directed substitutions and functional language.

# Endnotes

1 *Amgen Inc. v. Sanofi,* No. 21-757; 598 U.S. ____ (2023).
2 https://www.accessdata.fda.gov/drugsatfda_docs/label/2019/125522s022lbl.pdf at 9.
3 https://www.accessdata.fda.gov/drugsatfda_docs/label/2017/125559s002lbl.pdf at 9.
4 *See* Brief for Sir Gregory Paul Winter et al. as Amici Curiae at 9.
5 *Amgen Inc. v. Sanofi,* No. 21-757 at 5-6.
6 *Id.,* No. 21-757 at 16-17.
7 Section 112(a) provides:

(a) In General.— The specification shall contain a written description of *the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to whi*ch it pertains, or with which it is most nearly connect, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

35 U.S.C. § 112(a) (emphasis added).
8 *See Amgen Inc. v. Sanofi,* No. 21-757 at 12.
9 *O'Reilly v. Morse*, 15 How. 62 (1854).
10 *The Incandescent Lamp Patent,* 159 U. S. 465 (1895).
11 *Holland Furniture Co. v. Perkins Glue Co.,* 277 U. S. 245 (1928).
12 *See Amgen Inc. v. Sanofi,* No. *21-757* at 12.
13 *Wood v. Underhill,* 5 How. 1 (1846).
14 *Amgen Inc. v. Sanofi, No. 21-757* at 14.
15 *Amgen Inc. v. Sanofi, No. 21-757* at 16.
16 *Id.,* No. 21-757 at 16 - 17.
17 *Id.,* No. 21-757 at 17.
18 *Id.,* No. 21-757 at 16.
19 *Id.,* No. 21-757 at 13.
20 *Id.,* No. 21-757 at 13.
21 *Incandescent Lamp,* 159 U. S., at 475.
22 *Amgen Inc. v. Sanofi,* No. 21-757 at 12.
23 *Id.,* No. 21-757 at 14.
24 See *id.*, No. 21-757 at 15.
25 *Incandescent Lamp,* 159 U. S., at 475.
26 *Wood v. Underhill,* 5 How. 1 (1846); See *Amgen Inc. v. Sanofi,* No. 21-757 at 14.

# A Primer in Artificial Intelligence

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## I. INTRODUCTION

From HAL 9000 refusing to open the pod bay doors, to R2-D2 delivering messages to Obi-Wan Kenobi, to Skynet becoming self-aware, our society has decades of cultural baggage around "artificial intelligence" (or, "AI"). But what is AI really, and what does it mean for the legal profession?

## II. THE TECH

The AI permeating society today refers to several technologies and product classes. These products include voice assistants (*e.g.*, Apple's "Siri"[1] and Amazon's "Alexa"[2]), chatbots (*e.g.*, OpenAI's "ChatGPT,"[3] Google's "Bard,"[4] Microsoft's "Bing Chat"[5]), image generators (*e.g.*, OpenAI's "DALL-E 3,"[6] Stability AI's "Stable Diffusion,"[7] Getty Images and NVIDIA's "Generative AI"[8]), and more. The underlying technologies have names like "large language model" (LLM), "generative adversarial model" (GAN), "diffusion model."

In reality, this technology is not new. Before it was trendy to label every new technology "AI" or "AI-powered," companies were calling much of this "machine learning" and "deep learning." Machine learning has long-been the basis for Facebook friend suggestions, Amazon shopping recommendations, and what to watch next on Netflix. More advanced deep learning is the underpinning for Tesla Autopilot, Google Autopilot, and more.

One lesser-known case study is the use of AI in genetics research: Alphabet (the parent company of Google) has a subsidiary called Deepmind which is dedicated to AI research, and one of its breakthroughs has been a system called AlphaFold which uses a protein's amino acid structure to predict its 3D folding pattern with groundbreaking accuracy and precision.

Developing on AlphaFold, researchers built AlphaMissense to focus specifically on finding "missense mutations," DNA mutations that result in a different amino acid being incorporated into a protein. AlphaMissense successfully spotted 71 million such variations, compared to the 4 million that had been previously observed through earlier methods. Of the 71 million variations discovered, analysis showed that only about 32% are likely to cause disease, about 57% are expected to be benign, and the remainder were left uncategorized. These are monumental numbers compared to the prior set of 4 million variations observed, of which only 2% had been labeled as possibly causing disease.[9] These developments open the door to rapid acceleration of diagnosis methods of genetic diseases by clinicians.

## III. LITIGATION DEVELOPMENTS

Of course, with any new technology comes new legal liabilities that give rise to litigation. Several authors, including comedian Sarah Silverman, have filed suit against OpenAI and Meta for copyright infringement after their LLMs were demonstrated to be able to output whole sections of their books.[10] Getty Images has similarly filed suit against Stability AI for copyright infringement after the Stable Diffusion tool was shown to be able to output Getty's famous watermark, meaning that the input data set contained Getty's intellectual property.

One deeper case study can come from Universal Music Publishing Group and two other music publishers suing Anthropic, the company behind the artificial intelligence chat bot Claude,[11] for copyright infringement. In a complaint filed with in the United States District Court for the Middle District of Tennessee in Nashville on October 18, 2023, the publishers claim that Claude was trained on vast amounts of unlicensed song lyrics, which Claude can output either in their original form or as the foundation for new works, all without any payment to the lawful rightsholders.[12]

The publishers point out that when prompted Claude can output word-for-word copies of the lyrics of Katy Perry's "Roar," Gloria Gaynor's "I Will Survive," and Garth Brooks' "Friends in Low Places." In addition, they note that Claude can create new works drawing heavily from Don McLean's "American Pie," the theme song to "The Fresh Prince of Bel-Air," Louis Armstrong's "What a Wonderful World," Steppenwolf's "Born to Be Wild," and Johnny Cash's "Daddy Sang Bass" (including chords).

There are several issues at play. One issue is whether it is fair use to train a large language model or other AI on copyrighted works without proper rights and clearances. Another issue is to what extent the outputs of a large language model (LLM) are "derivative works" that may infringe original works under copyright law. Yet another issue is whether rightsholders must be compensated for their works being ingested as training materials for an LLM (and, if so, how much). Each of the several lawsuits mentioned hope to answer these questions and more.

In anticipation of more litigation to come, tech giants Google,[13] Microsoft,[14] and Adobe[15] have all committed to indemnify users for copyright infringement claims that copyright owners bring against users regarding the outputs of their generative AI models. The tech giants' indemnification policies allow them to assert the public position that they stand behind their technology. At the same time, these indemnification policies enable them to strategically ensure that their choice of litigation counsel argues their positions on the issues that will shape their industry for decades to come.

## IV. COPYRIGHT OFFICE GUIDANCE

To further complicate matters, the United States Copyright Office has issued guidance that AI-generated works are not eligible for copyright registration.[16] The most prominent instances of this so far have been Kris Kashtanova's graphic novel *Zarya of the Dawn* and Jason Allen's Colorado State Fair art competition winning "Théâtre D'opéra Spatial." Both works relied on Midjourney, a text prompt-based image generator, to output their artwork. In the former, Kashtanova wrote the words of the graphic novel, which served as the basis for the Midjourney prompts, but the Copyright Office still deemed the artwork ineligible for protection.[17] In the latter, Allen's registration was denied for failure to disclaim that AI tools had been used to create the work.[18]

To further add to the possible legal pitfalls, AI allows users to copy the voices of their favorite musical artists and apply them to other songs.[19] Most notably, in mid-April 2023, an anonymous music producer called Ghostwriter977 released an original song called "Heart On My Sleeve" using the AI-synthesized voices of Drake and The Weeknd.[20] Shortly thereafter, the major record labels (led by Universal Music Group) began to put pressure on the digital streaming platforms (Spotify, Apple Music, etc.) to remove the song, ultimately succeeding.[21] Although rights of publicity would be the form of IP best-suited to protect artists from this sort of AI-based vocal forgery, these rights are only recognized at the state level in the United States, and inconsistently so.[22] For example, some states only recognize these rights during an individual's lifetime, while others extend the rights posthumously. Proposals for legislation such as Adobe's FAIR Act[23] and the bipartisan No Fakes Act[24] have been lauded for their attempts to protect individuals from unwelcome AI impersonation, while critics point out that they are no substitute for a true federal right of publicity. This is a continuing area of development.

## V. LOOKING AHEAD

As technology develops, it is crucial for attorneys to stay on the pulse to stay competitive and competent. Additional issues deal with the ethics of using AI in the practice of law. As a general rule, the data protections of consumer-grade AI products do not comply with legal confidentiality requirements and should be avoided by practitioners. Legal technology providers are aiming to close this gap. LexisNexis is building a generative AI tool, and Thomson Reuters (the parent company of Westlaw) acquired legal research startup CaseText and their in-house AI systems, presumably with plans to incorporate the tech into Westlaw.

Many have predicted that AI will impact society as heavily as the internet. Some go as far as to say it will lead to a second Industrial Revolution. Regardless, it will remain crucial for attorneys to maintain a working understanding of these developments for the foreseeable future.

# Endnotes

1 https://www.apple.com/siri/
2 https://www.amazon.com/b?ie=UTF8&node=21576558011
3 https://openai.com/blog/chatgpt
4 https://blog.google/technology/ai/bard-google-ai-search-updates/
5 https://blogs.microsoft.com/blog/2023/02/07/reinventing-search-with-a-new-ai-powered-microsoft-bing-and-edge-your-copilot-for-the-web/
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# Overhauling Section 101

*By: Austin R. Bauersmith, Associate Attorney at Ryder, Mazzeo & Konieczny LLC*

## I. INTRODUCTION

Senators Tillis and Coons introduced the Patent Eligibility Restoration Act of 2023 ("PERA") on June 22, 2023.[1] PERA would turn a 36-word paragraph into a multi-part web of exclusions, exceptions, and limitations. The general consensus among practitioners and stakeholders is that PERA would bring much needed change to the patent eligibility landscape, especially in the software and biotechnology spaces. But in practice, PERA's language may be difficult to apply.

## II. SEC. 2. FINDINGS.

Unlike the 2022 version of PERA, the 2023 bill begins with five formal "findings" of Congress.[2] They note that Section 101 jurisprudence has "led to extensive confusion and a lack of consistency" and has rendered "an increasing number of inventions ineligible for patent protection."[3]

The fifth formal finding is essentially a statement of purpose with respect to the bill's substantive amendments. It provides that "[a]ll judicial exceptions to patent eligibility are eliminated"[4] and distinguishes the requirements of Section 101 from those prescribed in Sections 102, 103, and 112.

The fifth finding also lists the inventions that are to be considered patent ineligible under the amendments:

> **(i) A mathematical formula that is not part of an invention that is in a category described in subparagraph (B).**
> **(ii) A mental process performed solely in the mind of a human being.**
> **(iii) An unmodified human gene, as that gene exists in the human body.**
> **(iv) An unmodified natural material, as that material exists in nature.**
> **(v) A process that is substantially economic, financial, business, social, cultural, or artistic.[5]**

Subparagraph (E) adds the following conditions for substantially economic, financial, business, social, cultural, or artistic processes:

> **(i) process claims drawn solely to the steps undertaken by human beings in methods of doing business, performing dance moves, offering marriage proposals, and the like shall not be eligible for patent coverage, and adding a non-essential reference to a computer by merely stating, for example, "do it on a computer" shall not establish such eligibility; and**
> **(ii) any process that cannot be practically performed without the use of a machine (including a computer) or manufacture shall be eligible for patent coverage.[6]**

Congress' fifth finding is largely a rephrasing of PERA's substantive provisions, with a few notable differences. Importantly, although the formal findings state PERA's purpose, Sec. 2 itself would not have the force of law.[7]

## III. SEC. 3. PATENT ELIGIBILITY.

PERA's substantive provisions are set forth in Sec. 3. The definition of a "process" in Section 100 is amended by striking "includes a new use of a known process" and inserting "includes a use, application, or method of manufacture of a known or naturally-occurring process."[8] The following definition for "useful" is also added:

> **(k) The term "useful" means, with respect to an invention or discovery, that the invention or discovery has a specific and practical utility from the perspective of a person of ordinary skill in the art to which the invention or discovery pertains.**

Next are the amendments to Section 101:

## IV. SECTION 101. PATENT ELIGIBILITY

(a) **In General.**

Subsection (a) removes "new" from the current statute and provides that "[w]hoever invents or discovers any useful process, machine, manufacture, or composition of matter, or any useful improvement thereof, may obtain a patent therefor, subject only to the exclusions in subsection (b) and to the further conditions and requirements of this title."[9] The same change appeared in the 2022 bill.

(b) **Eligibility Exclusions.**

Subsection (b) has two parts. Paragraph (1) identifies five groups of inventions that are not eligible for patent protection, and paragraph (2) adds

conditions to the fourth and fifth groups. Under paragraph (1), the following would be ineligible for patent protection, "if claimed as such:"[10]

***(A) Mathematical formulas***

First, "[a] mathematical formula that is not part of a claimed invention" is not eligible.[11] This exclusion appears to draw a line between claims that recite a mathematical formula by itself and those that incorporate a mathematical formula into a useful process, machine, manufacture, or composition of matter. However, the amendments lack further guidance for determining whether a mathematical formula is a "part of" a claimed invention.

***(B) Economic, financial, business, social, cultural, or artistic processes***

Second, a process that is "substantially economic, financial, business, social, cultural, or artistic" is not eligible even though "not less than 1 step in the process refers to a machine or manufacture."[12] However, that process is not excluded if it "cannot practically be performed without the use of a machine or manufacture."[13] This distinction appears consistent with at least some of the principles underlying *Alice* and the abstract idea exception,[14] but subparagraph (B) offers no further guidance for determining whether a process "cannot practically be performed" without a computer. Although the formal findings in Sec. 2 provide that a "non-essential reference to a computer" does not establish eligibility, that language is not used in the substantive provision.

***(C) Mental and naturally occurring processes***

Subparagraph (C) provides that a person may not obtain a patent for "a mental process performed solely in the human mind" or a process that that "occurs in nature wholly independent of, and prior to, any human activity."[15] This language appears consistent the Supreme Court's view that "[p]henomena of nature, though just discovered, mental processes, and abstract intellectual concepts are not patentable, as they are the basic tools of scientific and technological work."[16]

***(D) and (E) Unmodified human genes and unmodified natural materials***

Under the last two subparagraphs, a patent may not be obtained for an "unmodified human gene, as that gene exists in the human body"[17] or an "unmodified natural material, as that material exists in nature."[18] Paragraph (2) adds two conditions: a human gene or natural material is not "unmodified" if it is "(A) isolated, purified, enriched, or otherwise altered by human activity; or (B) otherwise employed in a useful invention or discovery."[19]

With respect to human genes, the conditions under paragraph (2) would essentially overrule *Myriad*[20] to the extent the Court invalidated claims for isolated DNA segments.[21] The broad "otherwise employed" language would likely open the eligibility door for a range of other inventions in the biotech space.

(c) **Eligibility Considerations.**

Subsection (c) states that eligibility is to be determined "by considering the claimed invention as a whole and without discounting or disregarding any claim element."[22] That determination is to be made without regard to:

**i. the manner in which the claimed invention was made;**
**ii. whether a claim element is known, conventional, routine, or naturally occurring;**
**iii. the state of the applicable art, as of the date on which the claimed invention is invented; or**
**iv. any other consideration in section 102, 103, or 112.**[23]

When considered in light of the exclusions under subsection (b), these limitations raise several practical questions. If eligibility is to be decided without regard to the manner in which the invention was made, how should a court determine whether a claimed human gene is isolated, purified, enriched, or otherwise altered by human activity? How can a court determine whether a claimed process occurs in nature wholly independent of any human activity without also considering whether a claim element is naturally occurring? If a court cannot consider the state of the applicable art, how can it determine whether an otherwise excluded business method "cannot practically be performed" without a computer? Depending on the invention at issue, an eligibility determination under subsection (b) may require consideration of the factors prohibited under subsection (c).

With these limitations in mind, what *can* a court use to interpret the claims for the purpose of determining eligibility? Paragraph (2) of subsection (c) pertains to infringement actions and provides that a court may determine eligibility "at any time," including on a party's motion "when there are no genuine issues of any material fact." [24] This provision does not require claim construction, but it does allow the court to consider limited discovery relevant only to eligibility.[25]

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## Intellectual Property Law Section Mission Statement:

"The Section on Intellectual Property Law shall take as its province the promotion of the objectives of the Pennsylvania Bar Association within the particular fields of intellectual property, and, to that end, furthering the development of the law and procedures related to intellectual property law; stimulating and extending the study of these fields; cooperating in obtaining uniformity with respect to both legislation and administration in all matters concerning the law and procedures related to intellectual property; simplifying and improving the application of justice in these fields of the law; and reviewing, studying, and making recommendations concerning all proposals and matters affecting intellectual property law, including but not limited to monitoring and addressing actual and proposed legislation, litigation, rules of conduct and procedures, and other relevant developments in Pennsylvania, the United States Patent & Trademark Office, the United States Copyright Office, Congress and the federal courts, as well as educating the legal community and the public about intellectual property."

# Pennsylvania Bar Association

# Intellectual Property Law Section

# *2024 Writing Contest*

The Intellectual Property Law Section Writing Contest was established in 2004 to provide an opportunity for law students to submit articles that express their insight and knowledge in the areas of patents, copyrights, trademarks, and trade secrets. A panel of qualified judges selects the winning entry based on the relevancy of the article's topic and the quality of the author's analysis. The winning entry is published in a future issue of the Intellectual Property Section Newsletter, and the winning entrant is invited to participate in one of the Section's monthly meetings. As a tangible incentive, the Section has established a cash award of $500 for the winning entry.

The writing contest is open to all law students enrolled in any law school in the United States who intend to take the Pennsylvania bar exam.

Submissions must be the unpublished and original work of the entrant. Submissions should be between 3,500 and 4,500 words, and citations should be provided as endnotes in Bluebook format. Entrants should also include a brief summary of their plans after graduating from law school and passing the Pennsylvania bar exam.

Submissions for the 2024 Writing Contest must be emailed in Word format to the Section Relations Coordinator, Maria Engles (maria.engles@pabar.org), by **Friday, May 17, 2024**. Questions about the contest should be emailed to the Section Newsletter Chair, Austin Bauersmith (abauersmith@rmkiplaw.com).


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