
A Narrow Ruling on Broad Patent Claims: *Baxalta v. Genentech* Elongates the *Amgen v. Sanofi* Line of Authority

Date: 10/30/23

The United States Court of Appeals for the Federal Circuit recently delivered a precedential opinion in *Baxalta v. Genentech*, affirming the invalidity of patent claims directed to a genus of antibodies—defined solely by their function—for lack of enablement. The decision can largely be seen as an affirmation that the enablement requirement of 35 U.S.C. §112 remains unchanged post-*Amgen v. Sanofi*, but it can also be viewed as a distillation of *Amgen*’s most important takeaways for patent holders hoping to assert genus claims in the life science fields. This seems evident given the Federal Circuit’s statement that the facts of *Baxalta* are “materially indistinguishable from those in *Amgen*.” For patent holders and innovators alike, the silver lining is that this decision seems to be fairly narrow and stops short of foreclosing patent protection on genus claims altogether.

Attorneys

- Gerald J. Flattmann Jr.
- Andrew J. Cochran
- Anthony Rea