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Jeremy C. Lowe Examines Obviousness-Type Double Patenting Issues in Law360

Spencer Fane attorney Jeremy C. Lowe's article, USPTO Must Address The Right Question In Sanofi Case, was recently published by *Law360.*

In the article, Jeremy discusses ongoing legal uncertainty in how obviousness-type double patenting is applied in U.S. patent law. He explains that recent court decisions have led to differing interpretations of how overlapping patents and patent terms should be handled and mentions that a pending USPTO case could help clarify the doctrine and bring more consistency to how it is applied.

"The ARP's questions will likely leave the statutory issue unsettled. A more durable approach would begin with the statutory question: Can patentably indistinct claims be divided into multiple patent rights without reconciliation through the mechanisms the patent system provides?" Jeremy wrote.

Jeremy leads the firm's Patent Litigation and Hatch-Waxman and Biologics Litigation Market Teams, focusing on high-value patent litigation engagements across a range of technical sectors and jurisdictions and providing strategic counsel on regulatory compliance, Hatch-Waxman litigation, BPCIA litigation, and Federal Circuit appeals. With more than 24 years of experience as a trial and appellate attorney, he works with both plaintiffs and defendants in state and federal courts to consistently achieve favorable outcomes.

Read Jeremy's full article here. Please note, a subscription may be required.