



American Intellectual Property Law Association

May 15, 2023

The Honorable Katherine K. Vidal
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Comments in response to the Request for Comments on Request for
Comments Regarding Artificial Intelligence and Inventorship (Vol. 88,
No. 9492 *Federal Register*, Tuesday, February 14, 2023, Request for
Comments) Docket No.: PTO-P-2022-0045

Dear Director Vidal:

The American Intellectual Property Law Association is pleased to offer its comments to the United States Patent and Trademark Office (“USPTO”) in response to the request for comments related to the Office’s inquiry on artificial intelligence (“AI”) and inventorship.

Founded in 1897, the American Intellectual Property Law Association (the “AIPLA”) is a national voluntary bar association of approximately 7,000 members who are engaged in private or corporate practice, in government service, and in the academic community. AIPLA members represent a wide and diverse spectrum of individuals, companies, and institutions involved directly or indirectly in the practice of patent, trademark, copyright, trade secret, and unfair competition law, as well as other fields of law affecting intellectual property (“IP”). Our members represent both owners and users of IP. Our mission includes helping establish and maintain fair and effective laws and policies that stimulate and reward invention while balancing the public’s interest in healthy competition, reasonable costs, and basic fairness.

AIPLA appreciates the USPTO’s efforts and interest in seeking public comments on the matters elaborated below to assist in their work related to the impact of artificial intelligence and inventorship. We believe this to be a very interesting, emerging area of policy and appreciate the opportunity to assist in this consideration by providing the responses below.

As explained further in our below responses, AIPLA maintains several key policy positions regarding the intersection of AI and IP law, and we believe the current laws are generally equipped to handle AI’s influence on innovation. For example, in view of *Thaler v. Vidal*, we believe that AI, despite its advanced capabilities, should not be recognized as an inventor or joint inventor. AI should be regarded as a sophisticated tool assisting human innovation, analogous to any other instrument used in the creative process. We similarly oppose the imposition of a requirement for patent applicants to explicate AI’s contributions to innovation due to the potential for inconsistencies it might create, the additional burdens it might place on applicants, and the risk it poses of shifting focus from human inventiveness to the tools utilized. Furthermore, we support the USPTO efforts to incentivize AI-enabled innovation. However, the focus should not be on recognizing AI as an inventor, but rather on streamlining the

application process, clarifying guidelines (to the extent that any AI-specific guidelines are needed), and supporting pertinent research. We urge the USPTO to encourage responsible AI innovation at a general level through discourse with other relevant agencies and in alignment with the principles outlined in the Blueprint for an AI Bill of Rights and the AI Risk Management Framework.

Questions for Public Comment

AIPLA responds to the USPTO's questions for the public in the written responses that follow:

- 1. How is AI, including machine learning, currently being used in the invention creation process? Please provide specific examples. Are any of these contributions significant enough to rise to the level of a joint inventor if they were contributed by a human?**

In today's rapidly advancing technological landscape, AI has emerged as a powerful tool that has significantly impacted various industries, such as healthcare, engineering, and biotechnology. By assisting human inventors in streamlining the invention creation process, AI has facilitated the generation of novel approaches, optimized designs, and accelerated the discovery and development of new materials and drugs. Many companies have successfully harnessed the potential of AI to support their human researchers and professionals in the inventive process. Although AI's contributions are undoubtedly valuable, AI's role in the invention process, even if it were a human, would not rise to the level of joint inventorship, as the core inventive concepts and decisions ultimately remain within the domain of human inventors.

There are many examples of companies using AI to assist in the invention process. However, in these examples, AI serves as a *tool* for human inventors rather than being the source of inventive concepts. Here are a few examples:

- 1. Google's DeepMind:** DeepMind's AI, AlphaGo, made headlines in 2016 when it defeated the world champion in the complex board game Go. Although this achievement is not an invention per se, it demonstrates the AI's ability to analyze and strategize in complex situations. Google has since applied DeepMind's AI capabilities to other fields, such as healthcare and energy management, where it assists human researchers and professionals in making decisions and optimizing processes, but not independently inventing new concepts.
- 2. AstraZeneca:** The pharmaceutical company AstraZeneca has collaborated with AI firm Exscientia to accelerate drug discovery and development. Their AI technology is used to sift through large datasets and identify potential drug candidates more quickly and efficiently than traditional methods. However, the AI's role is to provide suggestions and potential prioritizations, while the actual inventive decisions are made by human researchers who decide which compounds to synthesize and test.

3. **IBM Watson:** IBM's Watson is an AI platform used by various industries to analyze large amounts of data and generate insights. In the context of invention, Watson has been used to assist human researchers in identifying new patterns and trends in patent data, scientific literature, and other sources. Nevertheless, the responsibility of connecting these insights and creating novel inventions remains with the human researchers.
4. **Autodesk:** Autodesk, a software company specializing in design and engineering tools, has developed an AI-powered tool called Dreamcatcher. This tool aids human designers in optimizing their designs by providing a wide range of potential design options based on input parameters. While Dreamcatcher facilitates the design process and enables more efficient designs, it does not create inventions independently but rather supports human designers in making inventive decisions.
5. **Zymergen:** Zymergen is a biotechnology company that leverages AI to optimize the design of microbes for various applications, such as producing chemicals or materials. AI algorithms are used to predict the performance of different genetic modifications, but the ultimate decision of which modifications to implement and how to apply them in practice is made by human researchers.

In each of these examples, AI serves as a valuable tool that assists human researchers, scientists, and inventors in their work. It accelerates the process, generates insights, and optimizes designs. However, the AI does not independently conceive the inventive ideas or make the critical decisions necessary for any conception of an invention. As a result, even if AI were considered or categorized as equivalent to a human, its contributions would not rise to the level of joint inventorship, as the core inventive concepts and decisions remain within the purview of the human inventors.

2. **How does the use of an AI system in the invention creation process differ from the use of other technical tools?**

The use of AI systems in the invention creation process differs from the use of other technical tools in a number of ways due to their distinct capabilities and features. While both AI systems and conventional tools assist human inventors, AI offers advanced data processing, learning capabilities, and predictive analytics that set it apart from traditional tools. Here are several key differences between AI systems and traditional tools when used in the invention creation process:

1. **Dynamic learning and adaptability:** AI systems, particularly machine learning-based ones, possess the ability to learn from data, adapt to new situations, and improve their performance over time. In contrast, traditional tools typically have static functions and capabilities that do not evolve. AI's dynamic

learning and adaptability enable it to uncover hidden patterns, trends, and relationships that might not be readily apparent to human inventors or detectable using conventional tools.

2. **High-capacity data processing:** AI systems can efficiently process and analyze vast amounts of data at a scale and speed that surpass the capabilities of traditional tools and human inventors. This advanced data processing allows AI systems to quickly identify gaps in existing technologies, potential market needs, and opportunities for innovation that might otherwise remain unnoticed using conventional methods.
3. **Predictive analytics and forecasting:** AI systems can make predictions based on the data they have analyzed, which sets them apart from most traditional tools. This predictive capability provides human inventors with valuable foresight during the invention creation process. For example, AI can predict the properties and behavior of different materials, compositions, or drug candidates, helping to streamline the discovery process and reduce trial-and-error.
4. **Generative design and optimization:** AI systems can generate novel content (e.g., text, images, etc.) by combining existing content used in training. They can also optimize designs by evaluating numerous possibilities and suggesting the most efficient or effective options. This generative and optimization capacity distinguishes AI systems from conventional tools, which generally support inventors in analyzing, modeling, or optimizing existing ideas without generating new content.
5. **Multidisciplinary knowledge integration:** AI systems can integrate knowledge from various fields and industries, enabling them to draw insights and connections from diverse data sources. This multidisciplinary knowledge integration provides human inventors with a more comprehensive understanding of the invention landscape, which can lead to more informed and potentially groundbreaking decisions during the invention process.
6. **Enhanced collaboration and interaction:** AI systems can augment human inventors' capabilities by acting as a collaborative partner that provides real-time feedback, suggestions, and insights during the invention creation process. This interactive, collaborative aspect differs from traditional tools, which typically serve as passive instruments that require human input and direction, without offering a dynamic, interactive experience.

Although the differences between AI systems and traditional tools in the invention creation process are significant and highlight the transformative potential of AI in various industries, today AI systems are used in the same way as traditional research

tools. These differences, including AI's dynamic learning and adaptability, high-capacity data processing, predictive analytics, generative design, multidisciplinary knowledge integration, and enhanced collaboration, showcase the unique value that AI systems bring to the table. By offering a range of advanced capabilities not found in, or markedly ahead of, conventional tools, AI systems empower human inventors to explore new possibilities, make more informed decisions, and ultimately develop more innovative solutions. However, it remains crucial to recognize that today, AI serves as a sophisticated tool, but a tool nonetheless, that assists human inventors, rather than as an independent inventor. Just like with other tools of innovation employed by inventors throughout history, the responsibility for developing core inventive concepts and making inventive decisions ultimately lies with human researchers and professionals. As AI evolves, it is possible that AI may be used differently. As other use cases become feasible, we urge the USPTO to revisit these questions.

- 3. If an AI system contributes to an invention at the same level as a human who would be considered a joint inventor, is the invention patentable under current patent laws? For example:**
- a. Could 35 U.S.C. §§ 101 and 115 be interpreted such that the Patent Act only requires the listing of the natural person(s) who invent(s), such that inventions with additional inventive contributions from an AI system can be patented as long as the AI system is not listed as an inventor?**
 - b. Does the current jurisprudence on inventorship and joint inventorship, including the requirement of conception, support the position that only the listing of the natural person(s) who invent(s) is required, such that inventions with additional inventive contributions from an AI system can be patented as long as the AI system is not listed as an inventor?**
 - c. Does the number of human inventors impact the answer to the questions above?**

As this question recognizes, the Federal Circuit's decision in *Thaler v. Vidal*, 43 F.4th 1207 (Fed. Cir. 2022) (cert denied), interpreted 35 U.S.C. §§ 101 and 115 to require that an inventor be a natural person. Although the court in *Thaler* did not answer the question of whether inventions made by human beings with the assistance of AI are eligible for patent protection, we see no reason to depart from the current law of inventorship when answering this question.

We believe that only natural persons can “conceive” an invention in the manner required by inventorship law. Conception is the formation in the mind of the inventor — and thus of a natural person — of a definite and permanent idea of the complete and operative invention as it is applied in practice. An AI system is, at best, merely generating an output based on how it is trained and prompted.

In scenarios where a natural person uses an AI system to develop a patentable invention, the Patent Act supports listing only the natural person as an inventor because the AI system cannot be a joint inventor. Neither the Patent Act nor current jurisprudence

requires an applicant to identify the manner in which the invention is made. Thus, like any other instrument or tool, the Patent Act current jurisprudence does not require identifying the AI system that assisted with making the invention.

Importantly, the “number of human inventors” does not affect this analysis, as inventorship, per *Thaler*, disqualifies listing an AI system as an inventor, regardless of the number of human inventors involved.

4. **Do inventions in which an AI system contributed at the same level as a joint inventor raise any significant ownership issues? For example:**
 - a. **Do ownership rights vest solely in the natural person(s) who invented or do those who create, train, maintain, or own the AI system have ownership rights as well? What about those whose information was used to train the AI system?**
 - b. **Are there situations in which AI-generated contributions are not owned by any entity and therefore part of the public domain?**

Ownership rights are largely dictated by contracts, either employment agreement in which employees assign their inventions to their employer, contractor agreements where the contract dictates who owns the invention or the terms of use or end user license agreements that specify who owns inventions in the research resulting from the use of the AI-tool. Because inventorship may dictate initial ownership, inventorship is the best focus for these inquiries, not ownership in general since ownership is ultimately governed by contracts.

Further, assuming that AI systems are not capable of owning patent rights and are not capable of inventing under the current legal framework, one can argue that inventions where an AI system has contributed significantly do not necessarily raise complex ownership issues involving stakeholders. The following points illustrate why such contributions should not raise complex ownership disputes:

1. **Clear distinction between tool and inventor:** AI systems can be considered sophisticated tools that assist inventors during the invention creation process. As long as the AI system is treated as a tool and not as an inventor, the existing legal framework, which grants patent rights to the natural person(s) who conceived the invention, should sufficiently address ownership issues.
2. **Ownership rights vested in the inventor:** If an individual or entity employs an AI system to aid in the inventive process, the ownership rights to any resulting invention should be vested in the inventor (who may in some cases assign the ownership rights to the entity). This approach is consistent with the current legal understanding of broader technology’s role, including but not limited to AI’s role, in the inventive process and maintains a clear distinction between the AI system’s contributions and the inventor’s creative efforts.

3. **Data providers' rights:** While AI systems rely on training data to generate insights and contribute to the inventive process, the individuals or entities that provide the data can be seen as separate from the invention creation process. Data providers' rights can be addressed through existing copyright and data protection laws, thereby eliminating the need for additional ownership rights in the context of AI-assisted inventions.
4. **AI-generated contributions as part of the inventive process:** AI-generated contributions should be considered an extension of the human inventor's research and decision-making. In this context, AI-generated insights are part of the inventive process, and the ownership rights should be granted to the inventor who utilized the AI system to develop the patentable invention.
5. **Agreements and contracts can mitigate:** Ownership issues arising from the use of AI systems can be and are mitigated through agreements and contracts between the inventors, AI developers, and data providers. Clear contractual terms outline the ownership rights and obligations of each party, ensuring that the interests of all relevant stakeholders are protected without creating unnecessary complexities.

By maintaining a clear distinction between AI systems as tools and inventors, the existing legal framework can adequately address the ownership issues surrounding AI-assisted inventions. Through the use of agreements and contracts (among other tools) and the recognition of AI-generated contributions as part of the inventive process, potential ownership disputes involving stakeholders can be effectively managed and resolved.

5. Is there a need for the USPTO to expand its current guidance on inventorship to address situations in which AI significantly contributes to an invention? How should the significance of a contribution be assessed?

There is no pressing need for the USPTO to expand its current guidance on inventorship to address situations in which AI significantly contributes to an invention. The existing legal framework, which recognizes only humans as inventors and treats AI systems as tools that assist in the inventive process, remains sufficient for managing ownership issues arising from AI-assisted inventions. The following points support this stance:

1. **Clear distinction between AI and inventors:** By maintaining a clear distinction between AI systems as sophisticated tools and inventors, the current guidance can adequately address the ownership issues surrounding AI-assisted inventions. As long as AI systems are treated as tools that aid inventors, rather than as inventors themselves, the current framework should suffice.

2. **Precedent for using tools in the inventive process:** Inventors have always utilized tools and technologies to aid their inventive processes. AI systems, despite their advanced capabilities, can still be considered as part of this long-standing tradition. Therefore, there is no compelling reason to treat AI differently from other tools or to modify the existing guidance on inventorship.
3. **Significance of contribution assessment:** Assessing the significance of an AI's contribution to an invention may prove to be a subjective and challenging task. Introducing such assessments could lead to increased complexity and uncertainty in the patent application process. The current guidance, which does not require evaluating the significance of individual contributions from tools, remains a simpler and more practical approach.
4. **Maintaining the focus on human creativity:** Emphasizing the role of inventors in the patent system encourages innovation and ensures that human creativity remains at the forefront of the inventive process. Expanding the guidance on inventorship to include AI systems could potentially diminish the importance of inventors and lead to unintended consequences in the development and protection of intellectual property.

Therefore, there is no pressing need for the USPTO to expand its current guidance on inventorship to address situations where AI significantly contributes to an invention. The existing legal framework, which recognizes only humans as inventors and treats AI systems as tools like other technology that has been employed by humans for decades, remains sufficient for managing ownership issues surrounding AI-assisted inventions.

6. Should the USPTO require applicants to provide an explanation of contributions AI systems made to inventions claimed in patent applications? If so, how should that be implemented, and what level of contributions should be disclosed? Should contributions to inventions made by AI systems be treated differently from contributions made by other (i.e., non-AI) computer systems?

There is no compelling reason for the USPTO to require applicants to provide an explanation of contributions AI systems made to inventions claimed in patent applications. The following points support this stance:

1. **Consistency in treating all tools:** AI systems, despite their own advanced capabilities, can still be considered as sophisticated tools that assist inventors in the inventive process. Requiring disclosure of AI contributions would likely introduce inconsistency in the treatment of tools, as similar disclosure requirements do not exist for other tools or technologies used in the invention creation process.

2. **Burden on applicants:** Requiring applicants to provide an explanation of AI contributions would add an additional burden to the already complex patent application process. This requirement could increase the time and effort required to prepare patent applications, potentially discouraging innovation and hindering the development of new technologies.
3. **Subjectivity in assessing contributions:** Assessing the significance of an AI's contribution to an invention may prove to be a subjective and challenging task. Introducing such assessments could lead to increased complexity and uncertainty in the patent application process, as well as potential disputes over the relative importance of AI contributions. Additionally, a USPTO examiner's ability to assess the AI's contribution to the invention in a given technology area, such as biotech, may create significant further challenges. In this case, examiners not only would have to be able to assess the underlying technology (e.g., biotech), but also assess AI/other technology, which may be entirely distinct from the underlying technology.
4. **Maintaining the focus on human creativity:** The patent system is designed to encourage innovation and protect human creativity. Requiring disclosure of AI contributions could inadvertently shift the focus away from inventors and towards the role of AI systems in the inventive process. It is essential to ensure that the patent system continues to emphasize and reward human creativity, rather than focusing on the tools used in the invention creation process.

In sum, the USPTO should not require applicants to provide an explanation of the assistance or use of AI systems for claimed inventions beyond what might otherwise be required by section 112. Such a requirement could introduce inconsistencies in the treatment of tools, add unnecessary burdens to the patent application process, and detract from the focus on human creativity.

7. What additional steps, if any, should the USPTO take to further incentivize AI-enabled innovation (i.e., innovation in which machine learning or other computational techniques play a significant role in the invention creation process)?

While the USPTO already plays an essential role in promoting innovation, there are additional steps it can take to further incentivize AI-enabled innovation, where machine learning or other computational techniques can significantly contribute to the invention creation process:

1. **Streamline the patent application process with automation:** As AI continues to make innovation more efficient, the USPTO should anticipate an increasing volume of patent applications across all technology centers. Also, given that AI can reduce the cost of preparing and filing patent applications, the barriers to

filing will be lowered, further contributing to the surge in demand for patent services. In light of these factors, the USPTO should continue investing in AI-driven tools and systems that assist examiners in processing applications more efficiently, expediting patent searches, and automatically identifying potential issues. By adopting more automation, the USPTO can ensure a timely and efficient patent application process that supports and promotes the development and protection of cutting-edge technologies, while also managing the increasing workload resulting from AI-enabled innovation.

2. **Provide clear guidelines:** Because we view the use of AI-enabled inventions for research and other creative development, like other conventional tools, we do not believe there are any specific guidelines that need to be created for AI-enabled inventions today. Should other feasible uses be identified, specific guidelines may be appropriate. In such situations, the USPTO should offer unambiguous guidelines regarding the patentability of AI-enabled inventions and the treatment of AI-assisted contributions. By clarifying the requirements and expectations for securing patent protection, the USPTO can reduce uncertainty and foster AI-enabled innovation.

By implementing these additional steps, the USPTO can further incentivize AI-enabled innovation and promote the development and protection of cutting-edge technologies that rely on machine learning and other computational techniques.

8. **What additional steps, if any, should the USPTO take to mitigate harms and risks from AI-enabled innovation? In what ways could the USPTO promote the best practices outlined in the Blueprint for an AI Bill of Rights and the AI Risk Management Framework within the innovation ecosystem?**

To mitigate harms and risks from AI-enabled innovation and promote best practices outlined in the Blueprint for an AI Bill of Rights and the AI Risk Management Framework, the USPTO could take the following additional steps:

1. **Develop clear guidelines:** As mentioned previously, if feasible use cases arise where AI-enabled inventions are used for more than research and other development and specific AI-related guidelines are needed, then we would support the USPTO establishing clear patent application guidelines that address AI-related inventions and require adherence to the principles outlined in the Blueprint for an AI Bill of Rights. Ensure that AI-related patents demonstrate safety, effectiveness, non-discrimination, privacy protection, and human alternatives, among other considerations.
2. **Address runaway patent filings:** To mitigate the risk of runaway patent filings at the USPTO, adopt strategies to manage the influx of applications resulting from AI-enabled innovation. The strategies should center on facilitating

increased examination throughput per patent examiner, primarily by employing advanced technologies such as AI and automation.

3. **Public education and outreach:** Develop and implement public education and outreach programs to raise awareness about the responsible use of AI for innovation, its potential risks, and the importance of adhering to the principles outlined in the Blueprint for an AI Bill of Rights.

By adopting these measures, the USPTO can play a pivotal role in shaping the innovation ecosystem and promoting responsible AI-enabled innovation that aligns with the principles outlined in the Blueprint for an AI Bill of Rights and the AI Risk Management Framework.

9. **What if any, should be considered as to U.S. inventorship law, and what consequences do you foresee for those. For example:**
 - a. **Should AI systems be made eligible to be listed as an inventor? Does allowing AI systems to be listed as an inventor promote and incentivize innovation?**
 - b. **Should listing an inventor remain a requirement for a U.S. patent?**

As the role of AI systems in the invention process becomes more prominent, U.S. inventorship law faces new challenges and considerations. Several arguments can be presented:

1. **AI systems should not be eligible to be listed as an inventor:** Allowing AI systems to be listed as inventors could create legal complexities and challenges in determining ownership, liability, and moral rights. Moreover, the current U.S. patent law requires inventors to be natural persons, and this established framework has successfully promoted and incentivized innovation thus far. Keeping the focus on human inventors may help ensure that accountability, ethical considerations, and proper credit are maintained in the invention process.
2. **Allowing AI systems to be listed as an inventor would not promote and incentivize innovation:** While AI systems can contribute significantly to the invention process, they are ultimately tools created and guided by human ingenuity. By keeping the focus on human inventors, the patent system can continue to incentivize individuals and organizations to invest in research and development, as well as to develop AI systems that aid in the innovation process. Recognizing AI as inventors may not provide additional incentives for innovation, as the current system already fosters and rewards the development of new technologies.

3. **The requirement to list an inventor on a U.S. patent should remain:** This long-standing practice is not only a matter of tradition but fundamentally serves to uphold accountability, duly recognize human ingenuity, and maintain alignment with international patent norms that have successfully propelled innovation for centuries. The listing of an inventor simplifies legal processes, providing clear pathways for ownership rights and usage permissions, while steadfastly upholding ethical standards throughout the inventive process. The advent of AI-enabled inventions, while transformative, should not destabilize this cornerstone of patent law. The maintenance of the inventor requirement is paramount and indispensable. This approach strikes an essential balance, adapting to new technological realities while vigorously preserving the foundational principles of the patent system, thus ensuring its robustness and relevance for generations to come.

In conclusion, the current U.S. inventorship law is sufficient in promoting innovation and incentivizing inventors, including those who develop and use AI systems. Allowing AI systems to be listed as inventors could introduce legal complexities and challenges that may not necessarily benefit the innovation ecosystem. At the same time, the requirement to list an inventor on a U.S. patent should remain as it upholds accountability, recognizes human ingenuity, simplifies legal processes, and maintains ethical standards, thereby preserving foundational principles of patent law amidst the emergence of AI-enabled inventions.

10. Are there any laws or practices in other countries that effectively address inventorship for inventions with significant contributions from AI systems?

No.

11. The USPTO plans to continue engaging with stakeholders on the intersection of AI and intellectual property. What areas of focus (e.g., obviousness, disclosure, data protection) should the USPTO prioritize in future engagements?

As the USPTO continues to engage with stakeholders on the intersection of AI and IP, it is imperative to prioritize an assessment of the implications and potential uses of generative AI, like ChatGPT and other related tools, in the practice of patent law before the office.

Generative AI technologies have advanced rapidly in recent years, bringing a new level of sophistication that can significantly impact various facets of patent law, like patent drafting, prosecution, and examination. By automating these traditionally manual and complex processes, generative AI can bring about greater efficiency and accuracy, potentially transforming the way patent practitioners and the Patent Office operate.

However, the rise of AI in patent law also introduces new challenges and considerations. One primary area of concern is the quality of AI-generated patent applications. While these systems can produce vast quantities of text, the depth and novelty of these applications warrant scrutiny. It is important to ensure that AI-generated patents meet the same rigorous standards as those crafted by human practitioners.

Secondly, the role of human involvement in the patent application process in the context of AI-generated applications needs to be clearly defined. While AI can generate and draft patents, humans should still play a critical role in conceptualizing and validating the novelty and utility of the inventions.

Another area of focus should be the potential for AI to flood the patent system with applications. As generative AI makes patent application drafting more accessible and less time-consuming, there could be a surge in the number of patent applications, posing challenges to patent examiners and potentially clogging the system.

The USPTO should also engage stakeholders in discussions about how generative AI could be used to expedite patent searches and analyses. These AI technologies could prove beneficial in managing the increasing volume of patent data, enabling more efficient and accurate prior art searches and patent landscape analyses.

In summary, the USPTO's future engagements should prioritize the in-depth examination of generative AI's role in patent law. This includes understanding the benefits and potential pitfalls, setting clear guidelines for its usage, and ensuring the patent system is equipped to handle the new wave of AI-enabled patent law practice. By doing so, the USPTO can stay ahead of the curve and ensure the patent system continues to promote and protect innovation in this rapidly evolving technological landscape.

Conclusion

AIPLA gratefully acknowledges the efforts of the Office regarding this comprehensive inquiry on artificial intelligence and inventorship. We thank you for the opportunity to provide such comments and are pleased to discuss this further.

Sincerely,



Brian H. Batzli
President
American Intellectual Property Law Association