

**Response to Circular C. 9089 Requesting Information Pursuant to
the 33rd Session of the Standing Committee on the Law of Patents (SCP)**

On January 18, 2022, member states were invited to send to the International Bureau of the World Intellectual Property Organization any inputs for the preparation of the following documents:

- i. a draft reference document on the exception regarding the exhaustion of patent rights;
and
- ii. a study on the sufficiency of disclosure, as proposed in document SCP/31/8 Rev,
focusing in areas of special consideration.

The 34th session of the SCP is scheduled for September 26-30, 2022. The United States submits the following citations for WIPO's consideration:

Topic	References
Exhaustion	<ul style="list-style-type: none">• <i>Impression Prods. v. Lexmark Int'l, Inc.</i>, 137 S. Ct. 1523 (2017).
Sufficiency of disclosure	<ul style="list-style-type: none">• Examples of Enablement Issues — Biological and Chemical Cases, MPEP 2164.06(b) (e9 r10.2019 2020).• Biotechnology, MPEP 2400.• Computer Programming, Computer Implemented Inventions, and 35 U.S.C. 112(a) or Pre-AIA 35 U.S.C. 112, First Paragraph, MPEP 2161.01.• Examples of Enablement Issues – Computer Programming Cases, MPEP 2164.06(c).