

優先権の基礎出願のインヘレントの開示は、優先権主張出願の記載要件を充足するのに十分である

Yeda Research v. Abbott ([Fed. Cir. 2015-1662, 2016](#)) (2016年9月20日判決)

'915 特許（優先権主張出願）の請求項 1

“A purified and isolated TNF α -binding protein which has a molecular weight of about 42,000 daltons and has at the N terminus the amino acid sequence Xaa Thr Pro Tyr Ala Pro Glu Pro Gly Set Thr Cys Arg Leu Arg Glu...”

“Under the doctrine of inherent disclosure, when a specification describes an invention that has certain undisclosed yet inherent properties, that specification serves as adequate written description to support a subsequent patent application that explicitly recites the invention’s inherent properties. See *Kennecott*, 835 F.2d at 1423. In this case, it is undisputed that TBP-II is the only protein with the same partial N-terminus sequence and additional traits disclosed in the '072 application. Therefore, the '072 application inherently discloses the remaining amino acids in the N-terminus sequence of TBP-II and serves as adequate written description support for the patent claiming TBP-II. It is not necessary for an application to disclose a protein’s complete N-terminus sequence in order to provide an adequate written description of that protein.