Bostrom and Wolfson in Intellectual Property and Technology Law Journal: 'Imitation in Patent Applications: The Sincerest Form of Flattery, or Trouble in Paradise?'

By Brett Bostrom, Jeffrey A. Wolfson | June 9, 2023

RELATED PRACTICES Patent Litigation, Patent Office Trials, Patents, Patent Prosecution and Counseling, Design Patents, Intellectual Property

Associate Brett Bostrom and Partner Jeffrey Wolfson authored an article in *Intellectual Property and Technology Law Journal* discussing the slippery slope of imitation in patent applications.

Read an excerpt below:

Protecting innovation is an economic driver. Yet some enterprises treat inventions as a virtual commodity. In some industries, the high demand for efficiency in patent application drafting creates incentives to recirculate descriptive materials. To save time and avoid proverbially reinventing the wheel, patent practitioners sometimes rely on templates, boilerplate, and applications previously drafted for a client. There will often be an application, set of drawings, or block of text the practitioner can start from for a similar technology or product line that can improve patent application drafting efficiency and provide consistent, quality patent drafting while avoiding bespoke drafting. As discussed below, such imitation might lead to problems, particularly when the language or drawings were borrowed from an application that was not prepared by the practitioner's firm or were borrowed from an application for a different client, and particularly where no attribution is provided.

To read the full article, click here.

© 2026 Haynes and Boone, LLP