

UNINFORMATIVE PATENTS

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It is a bedrock principle of patent law that an inventor need not know or understand how or why an invention works. The patent statute simply requires that the inventor explain how to make and use the invention. But explaining how to make and use something without understanding how or why it works yields patents with uninformative disclosures. Their teaching function is limited; someone who wants to understand or figure out the underlying scientific principles must turn elsewhere. This limited disclosure rule does not align with the norms of science and tends to make patent documents a less robust form of technical literature. This Essay explores the contours of the rule, the policy tradeoffs, and its broader implications for the patent system.

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