

insights

TYPES NOT MAPPED YET April 15, 2024 | TTR not mapped yet | Benjamin L. Volk Jr.

Ben Volk Speaks to Law360 on Attorney AI Guidance

Thompson Coburn intellectual property partner [Ben Volk](#) spoke with *Law360* for a report on a new U.S. Patent and Trademark Office guidance on risks facing attorneys using artificial intelligence.

The USPTO warned that attorneys must ensure that filings are accurate and that humans played a role in inventions, illustrating that ethical rules are unchanged in the AI era. The USPTO said it's possible employing AI tools to prepare patent and trademark applications could lead to increased efficiency, but "it is essential to address the legal and ethical considerations."

The guidance is "a reminder not to go off and just have some generative AI tool be the one that's running the show," Volk said. "The attorney is still the one who's ultimately responsible for what gets submitted to the patent office."

He also noted that the tools may not be advanced enough yet for widespread use, but they are improving all the time. For now, he said, high-profile instances of attorneys being disciplined for citing cases generated by AI that did not actually exist have made people wary, while editing and revising AI-drafted text could potentially be more work than doing it yourself from the start.

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