

Justices grant review in cases on patents, trademarks, and water rights for Native Americans

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November 4, 2022

SCOTUS NEWS



By Amy Howe

on Nov 4, 2022 at 4:02 pm



The Supreme Court on Friday added four new cases to its docket for the 2022-23 term. The new grants include a patent-law dispute, a case involving the applicability of U.S. trademark laws outside the United States, and a pair of cases – which will be argued together – involving the Navajo Nation’s rights to water from the Colorado River.

The court will likely hear argument in Friday’s granted cases sometime early next year, with decisions to follow by the summer.

The first case on Friday’s order list, *Amgen v. Sanofi*, arises from Amgen’s efforts to patent antibodies that dramatically lower cholesterol. Under federal law, a patent applicant must provide a description of its invention that would enable a “skilled artisan” to make and use the invention. The justices agreed on Friday to decide what an applicant must show to meet that requirement.

In *Abitron Austria GmbH v. Hetronic International*, the justices agreed to decide whether the Lanham Act, which allows the owner of a trademark to bring a lawsuit for the infringement of that trademark, permits the owner of a U.S.-registered trademark to recover damages for the use of that trademark when the infringement occurred outside the United States and is not likely to cause confusion in the United States.

And in *Arizona v. Navajo Nation* and *Department of the Interior v. Navajo Nation*, the justices will weigh in on a long-running dispute over rights to water from the Colorado River. The Navajo Nation contends that although the federal government has asserted water rights for the tribe from two of the river’s tributaries, its failure to assert rights for the tribe from the river itself violates the federal government’s duty to the tribe. The federal government argues that there is no law or treaty creating such a duty, but the U.S. Court of Appeals for the 9th Circuit rejected that argument.

The grants came on a list of orders from the justices’ private conference on Friday. The justices are expected to issue more orders from that conference on Monday, Nov. 7, at 9:30 a.m.

This article was originally published at Howe on the Court.

Posted in Merits Cases, Cases in the Pipeline

Cases: *Abitron Austria GmbH v. Hetronic International, Inc.*, *Amgen Inc. v. Sanofi*, *Arizona v. Navajo Nation*, *Department of the Interior v. Navajo Nation*

Recommended Citation: Amy Howe, *Justices grant review in cases on patents, trademarks, and water rights for Native Americans*, SCOTUSblog (Nov. 4, 2022, 4:02 PM), <https://www.scotusblog.com/2022/11/justices-grant-review-in-cases-on-patents-trademarks-and-water-rights-for-native-americans/>