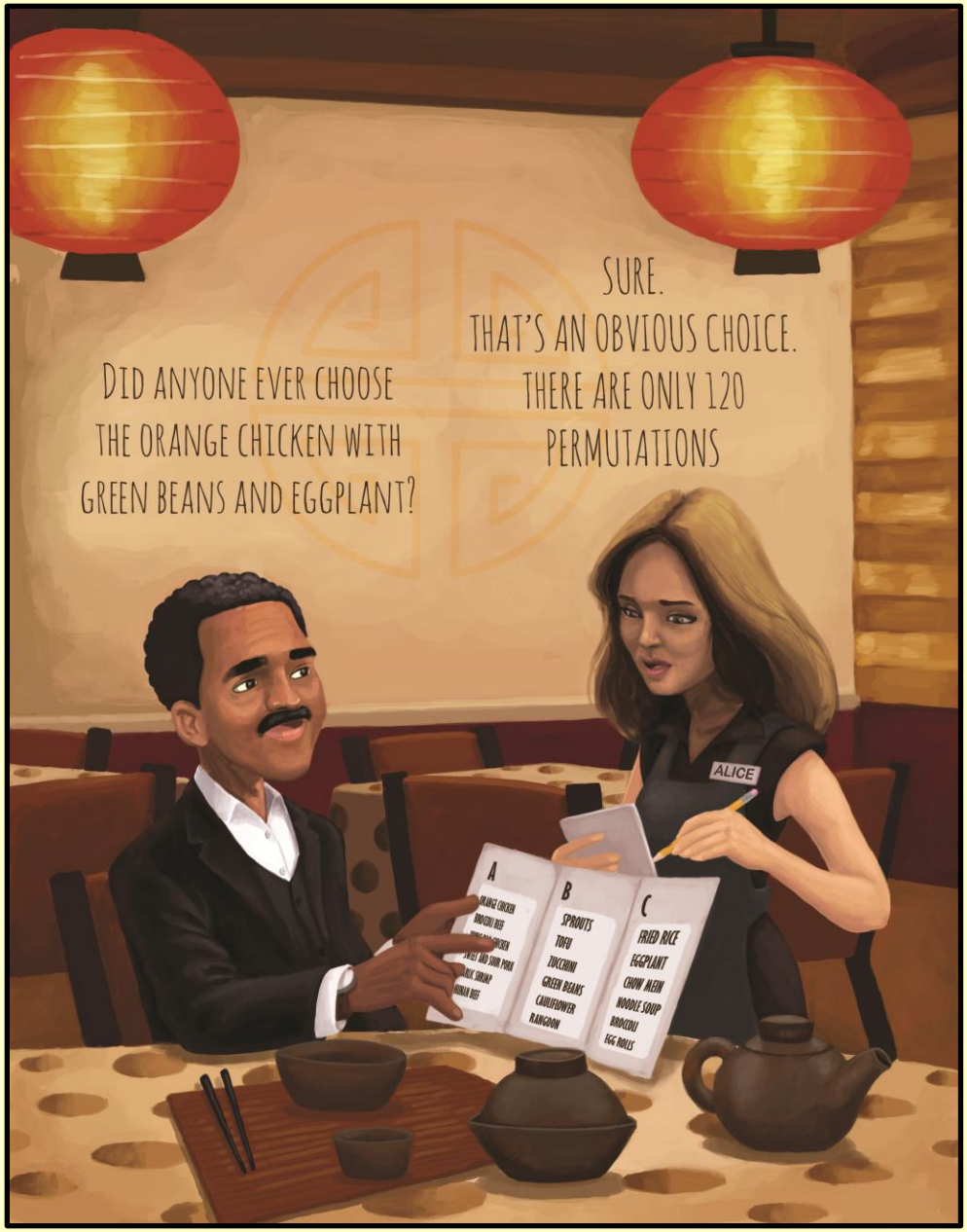
MoPA
Museum of Patent Art

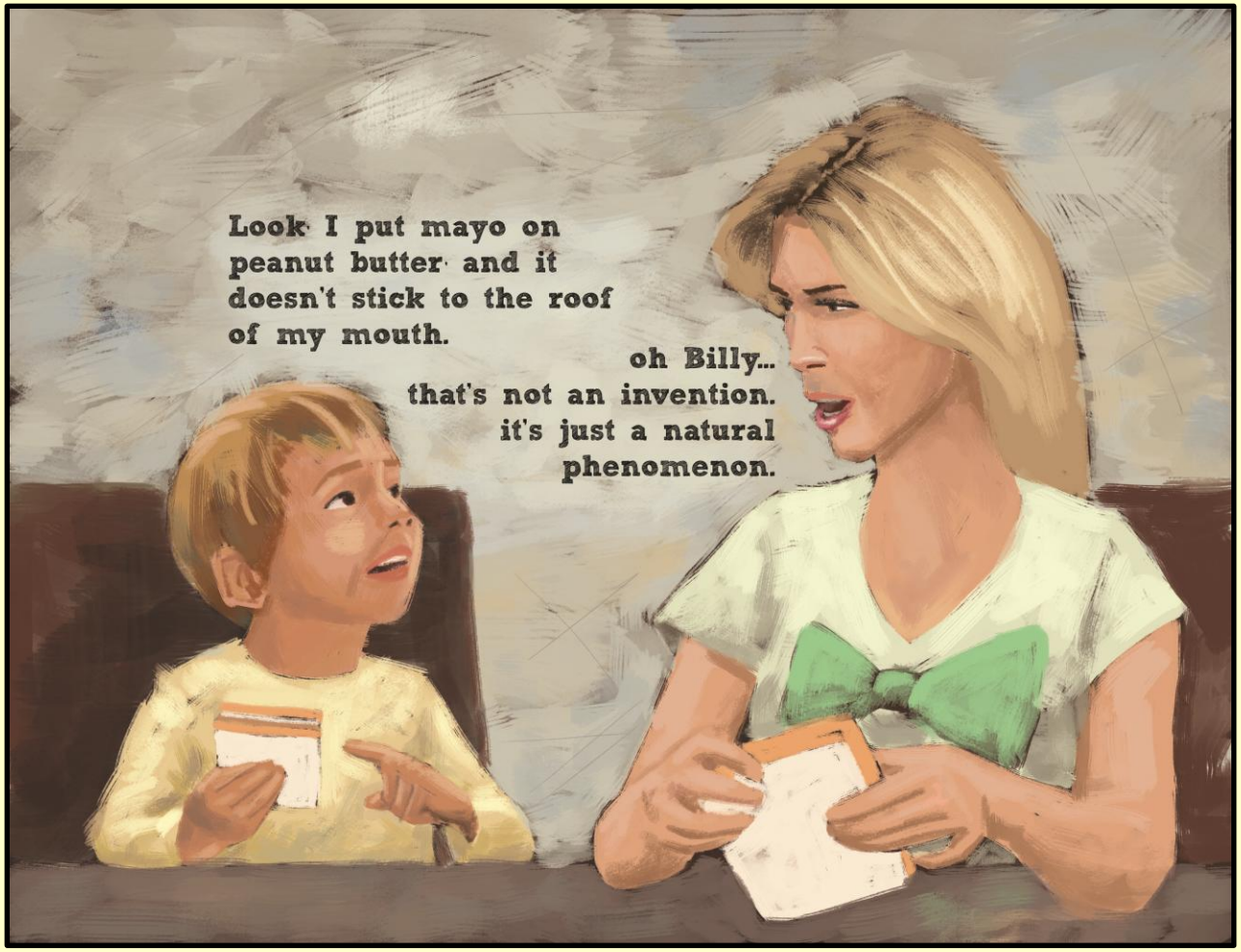


***KSR v. Teleflex* (2007)**

A Person Of Ordinary Skill In The Art (PHOSITA) is considered to have an ordinary level of creativity. Where there are a relatively small number of permutations, a PHOSITA would have thought of them all.

Bilski v. Kappos **(2010)**

The machine or transformation test is not the only test that can be used to determine subject matter eligibility. Reading between the lines of the decision, patent eligible claims must recite some real-world effect, not just pushing bits around a computer.



Mayo v. Prometheus (2012)

Claims reciting a natural phenomenon, without something more, fail to recite patent eligible subject matter.

Ass'n for Mol. Pathology v. Myriad (2013)

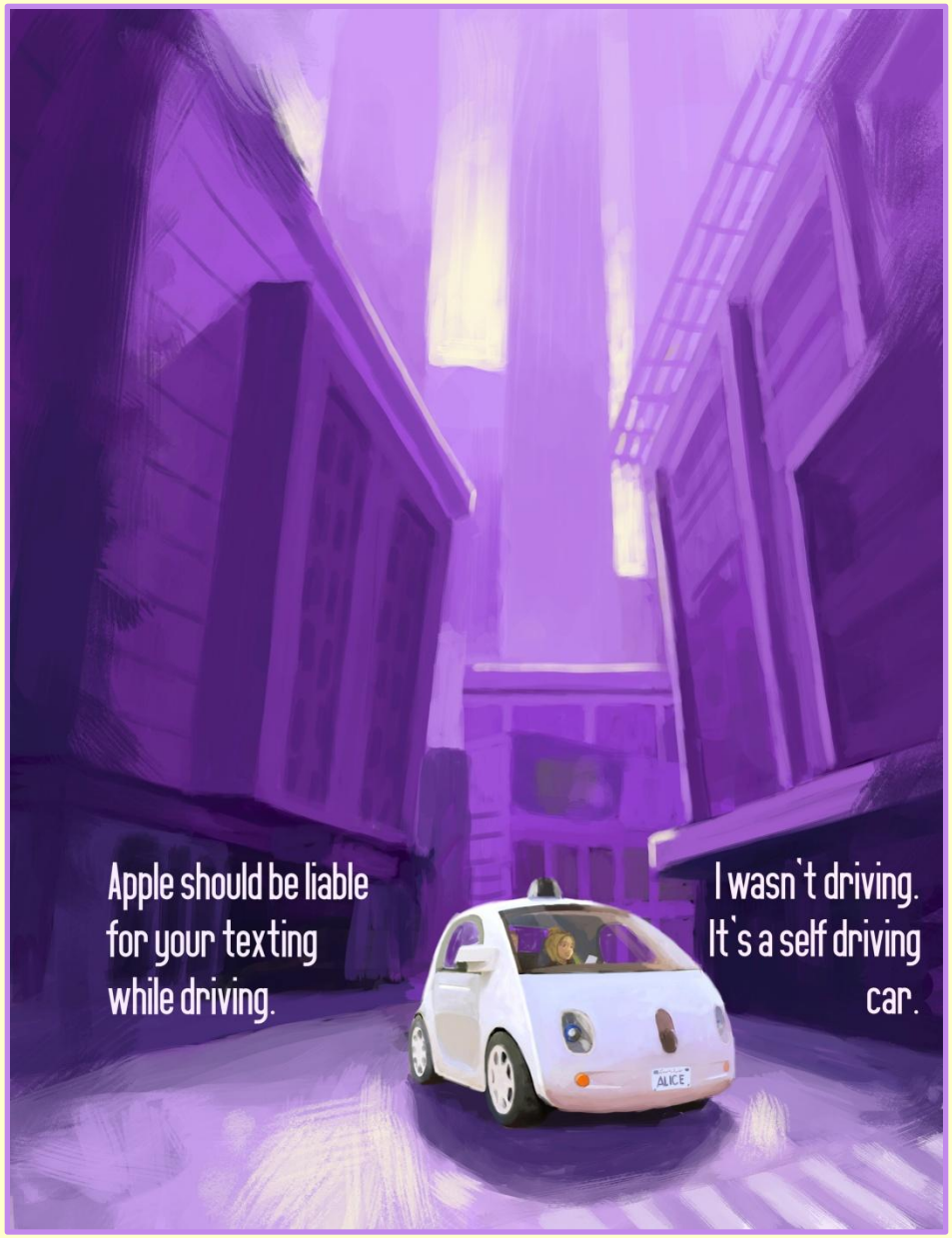
Tests based on breast cancer mutations are not patentable because the mutations were merely natural phenomena, and creating an assay based on that principal is routine.

Nautilus v. BioSig **(2014)**

Claim language is no longer sufficiently definite if it is "possible" for a court to construe the claim. The claims must "clearly indicate" to a competitor what the scope of the claim is.

Alice v. CLS Bank (2014)

Regardless of how cleverly patent applicants wordsmith the claims, the language cannot be so broad as to disproportionately tie up the use of the underlying ideas. To "promote the arts and sciences" there must be proportionality between the scope of the claims and the scope of the contribution to technology.



***Akamai v. Limelight* (2014)**

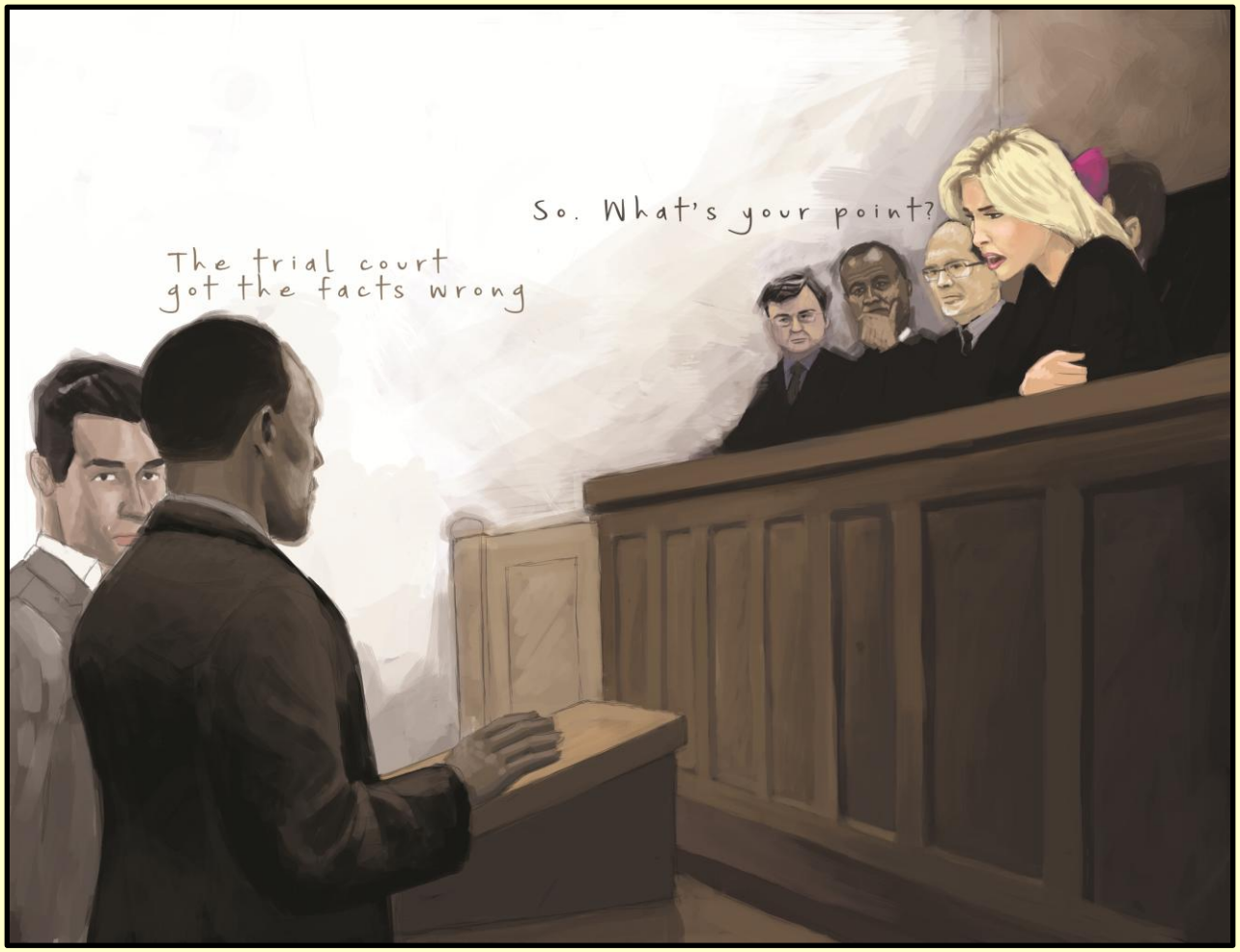
Indirect infringement can only exist if there is at least one entity that directly infringes by satisfying all of the elements of a claim.

Halo Electronics, Inc. v. Pulse Electronics, Inc. (2016)

Culpable behavior must be egregious to justify enhanced damages. Requiring a finding of objective recklessness is too narrow, and merely basing enhanced damages on behavior that "stands out from the rest" is too broad.

Medtronic, Inc. v. Mirowski Family Ventures, LLC (2014)

A patent holder suing a licensee of the patent for infringement must still bear the burden of proving infringement.

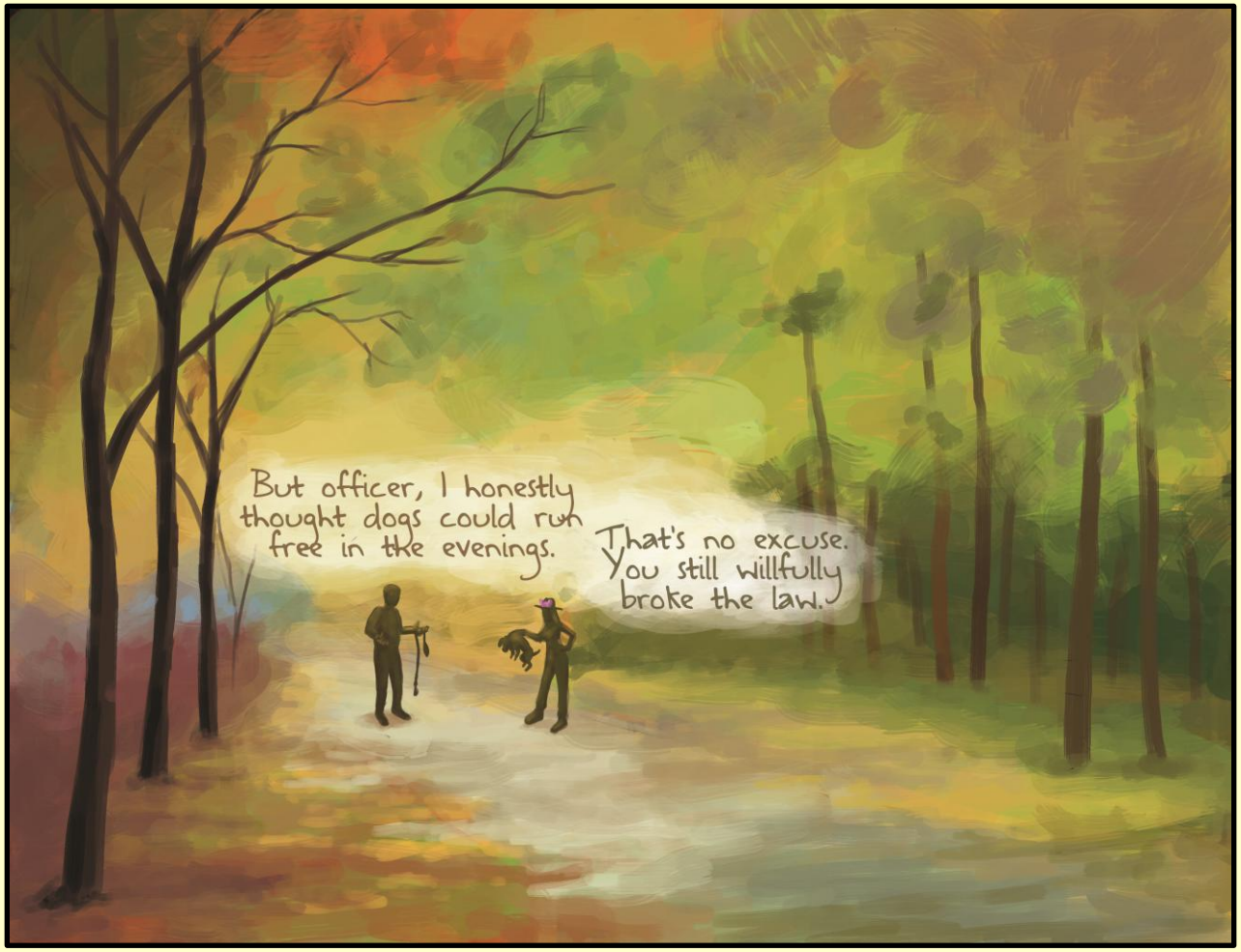


Teva v. Sandoz **(2015)**

Absent clear error, appeals courts should not review findings of fact de novo.

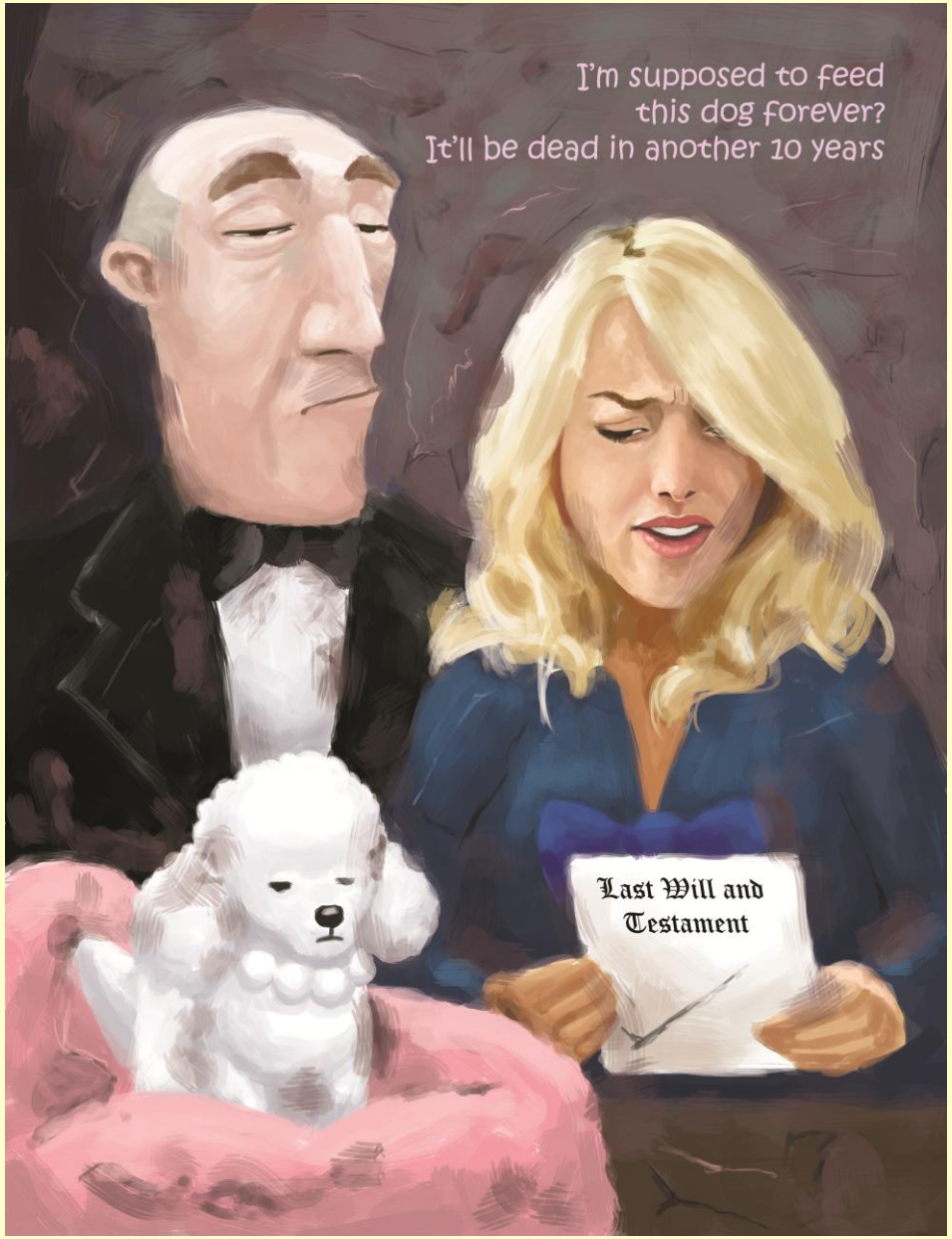
Teva v. Sandoz **(2015)**

Appeals courts should review claim construction de novo.



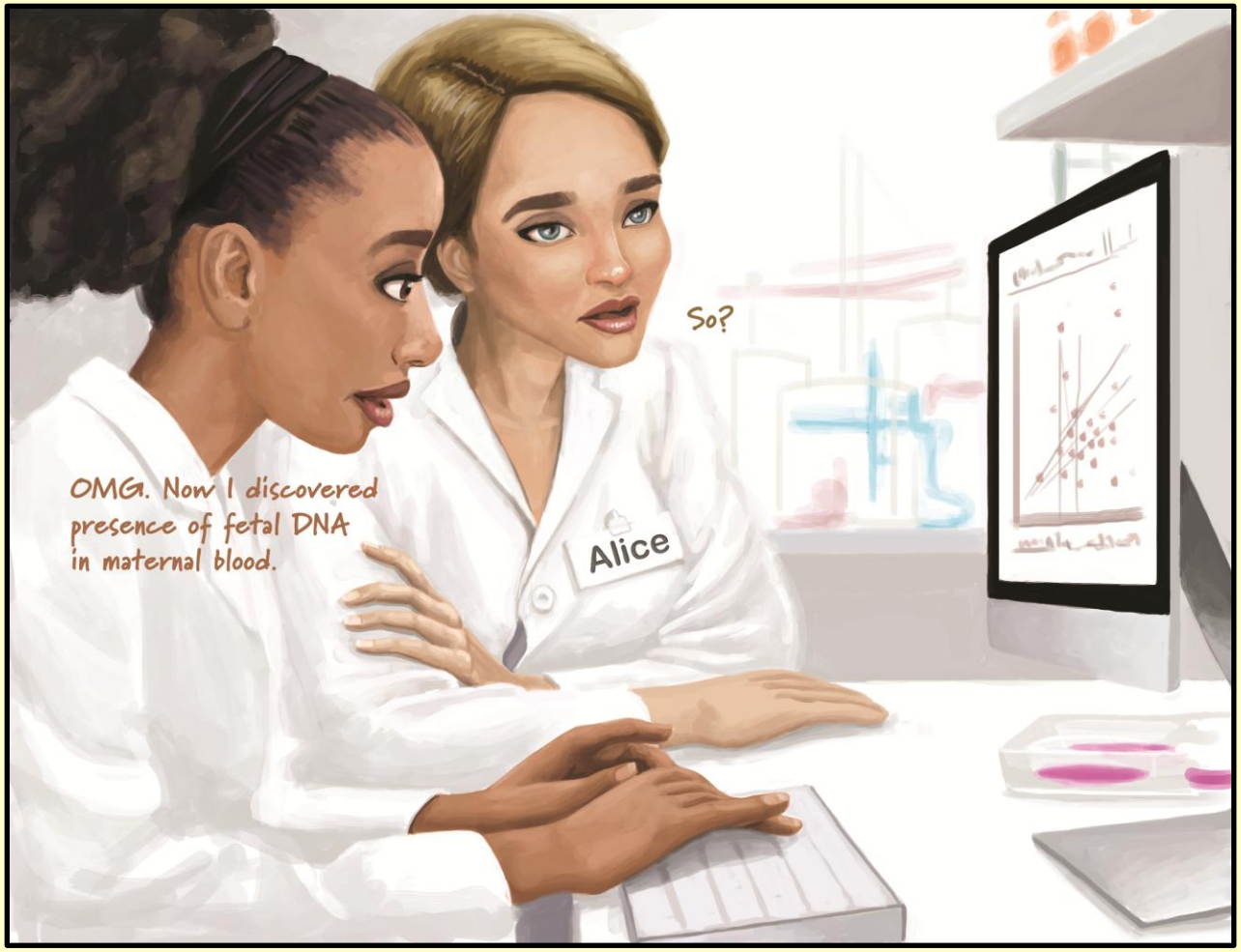
Commil v. Cisco (2015)

A "good faith belief" in invalidity of a patent is not a valid defense against a charge of willful infringement.



Kimble v. Marvel **(US 2015)**

A patent holder cannot extend patent license fees beyond the life of the patent.

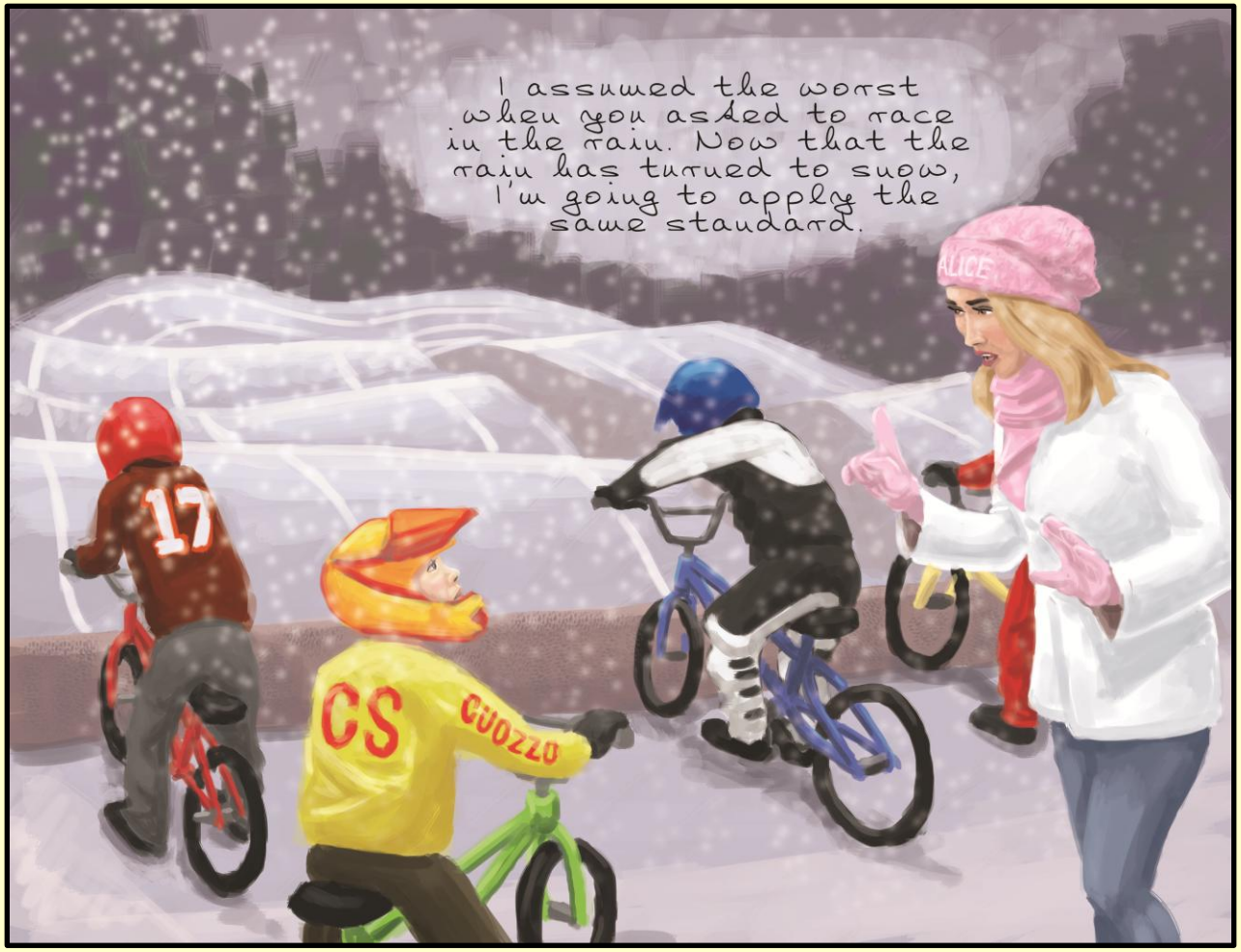


Ariosa v. Sequenom, Inc. (Fed. Cir. 2015)

Tests based on presence of fetal DNA in maternal blood are not patent eligible subject matter. DNA in maternal blood is a natural phenomenon, and creating the assay is routine.

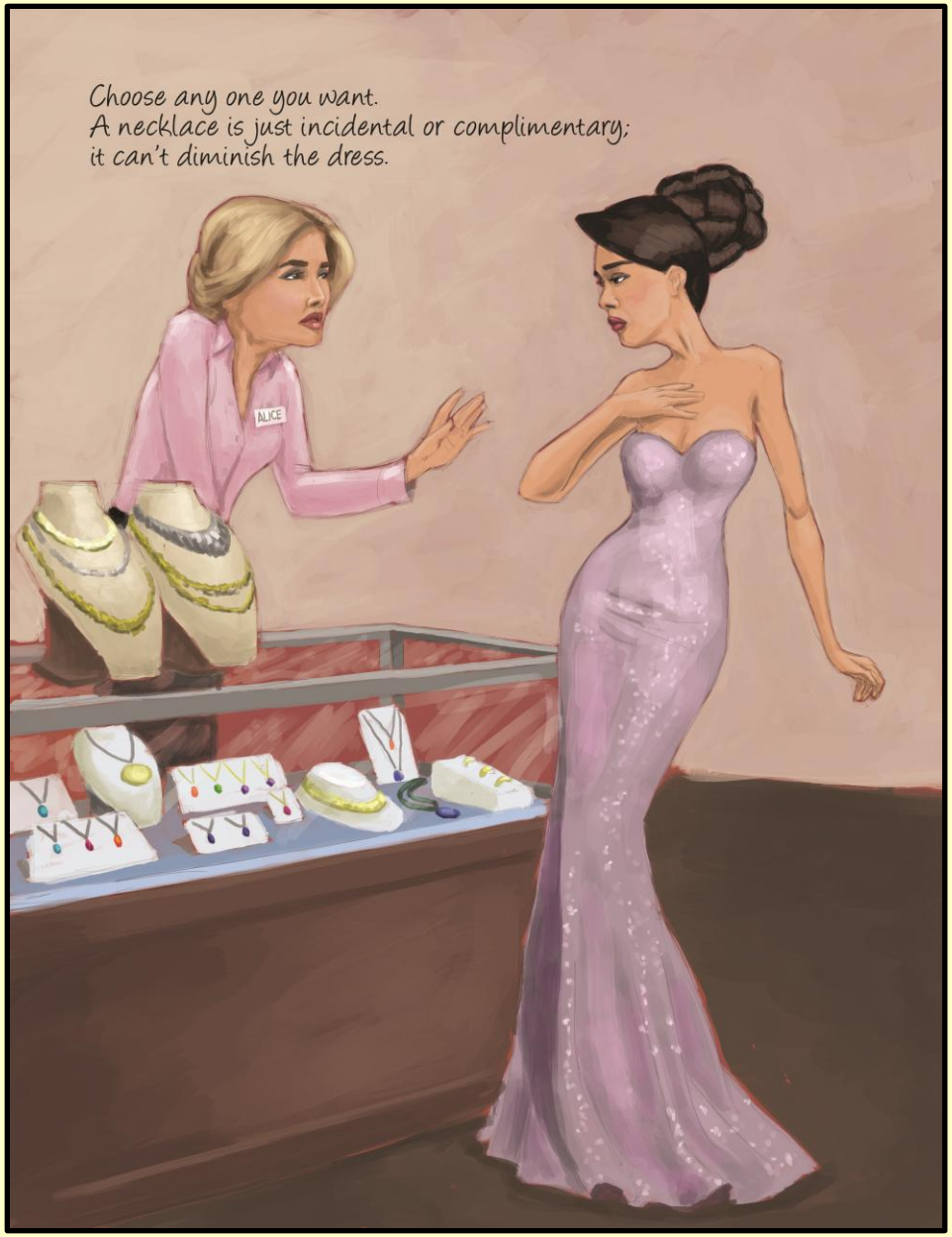
Williamson v. Citrix Online (Fed. Cir. 2015)

A "distributed learning control module" is a nonce phrase (a wastebasket term that doesn't designate specific structure), and therefore should be interpreted narrowly as means-plus-function language.



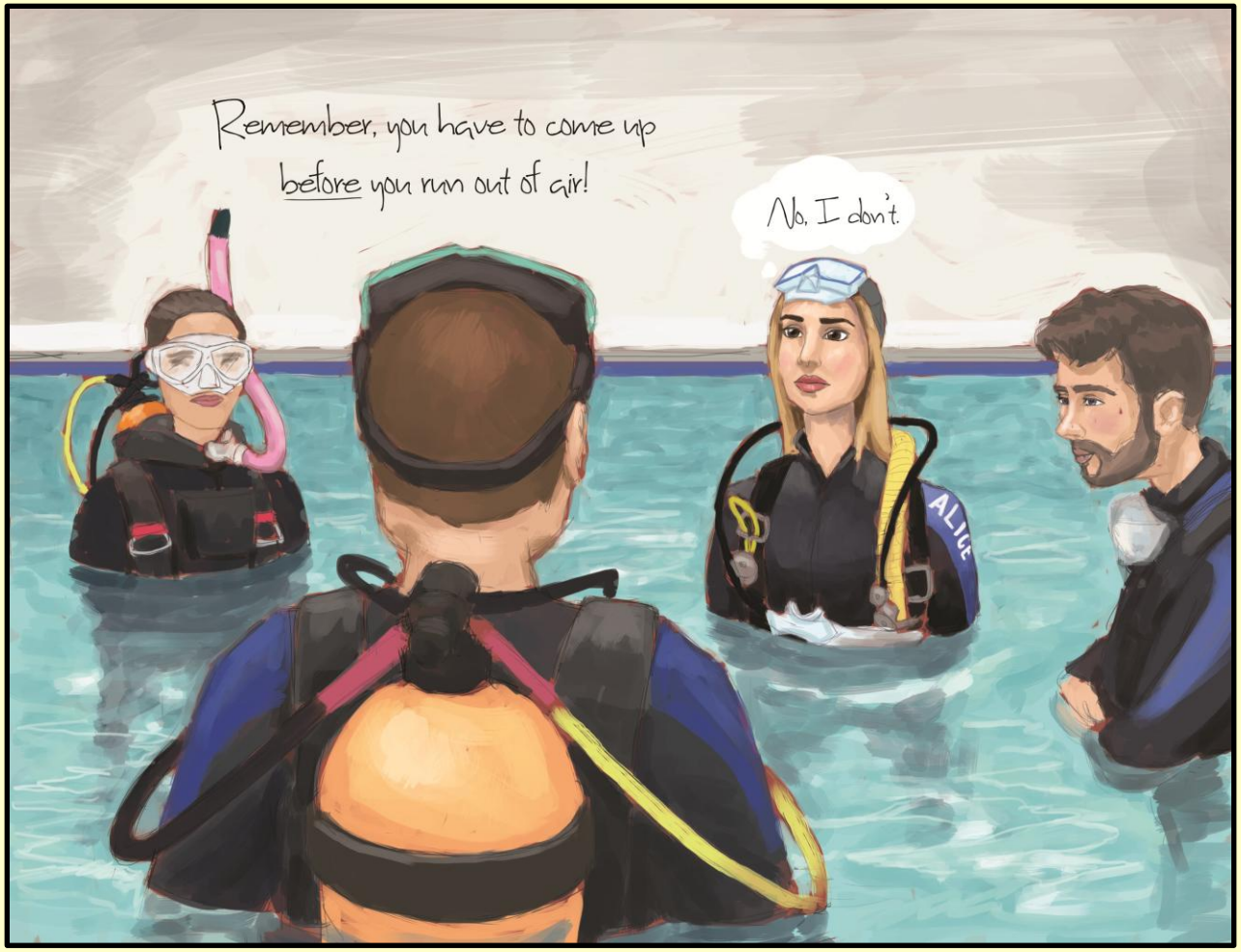
Cuozzo Speed (S. Ct. 2016)

During an Inter Partes Proceeding, the PTAB must construe claim terms using the same broadest reasonable construction applied earlier, during prosecution.



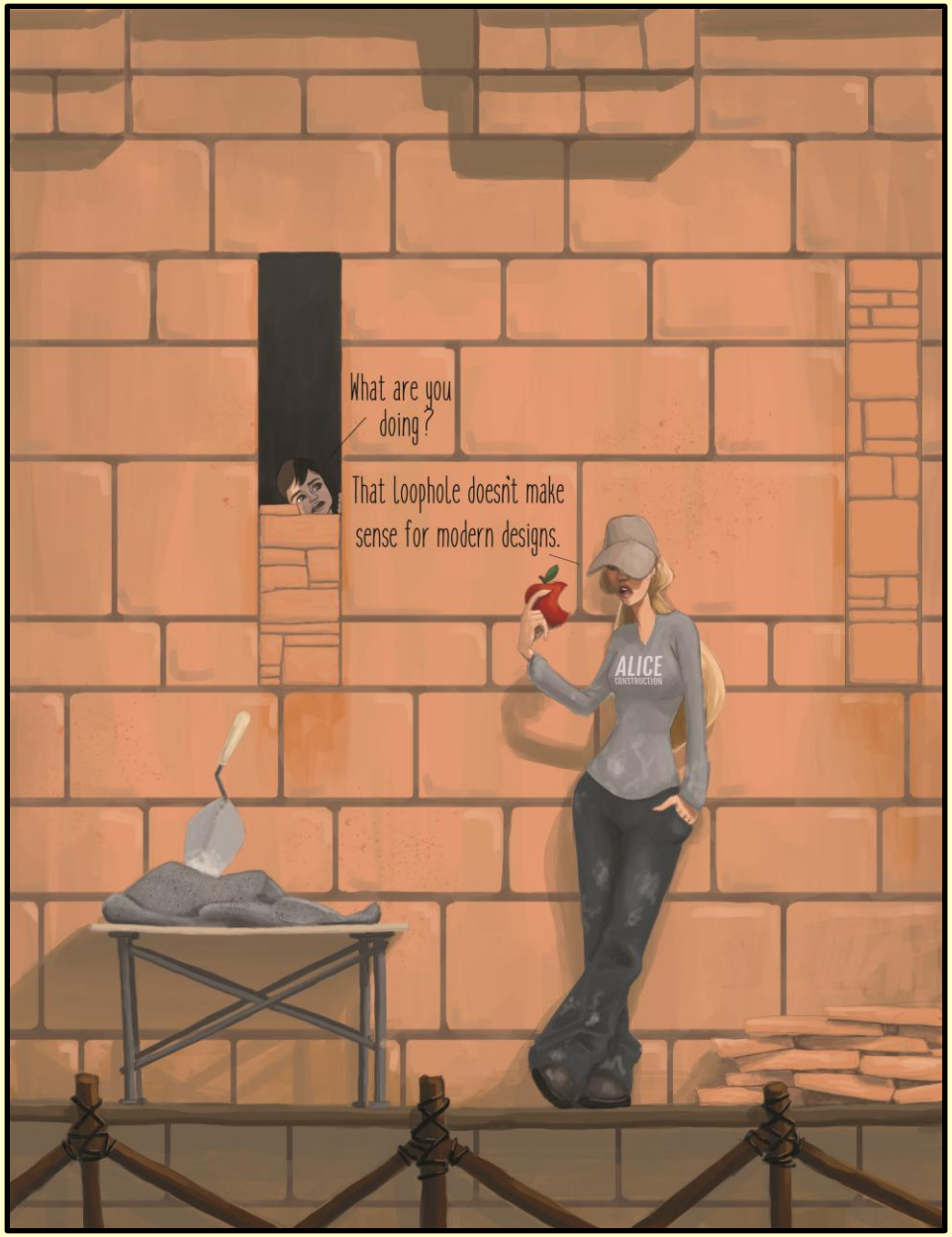
Unwired Planet (Fed. Cir. 2016)

Covered Business Method (CBM) review can't be used against a patent that merely claims subject matter that is "incidental or complementary" to a financial activity.



Immersion Corporation (Fed. Cir. 2016)

A child patent application is deemed to be filed before the parent issues, even if the child is filed on the same day that the parent issues.



Samsung v. Apple (S. Ct. 2016)

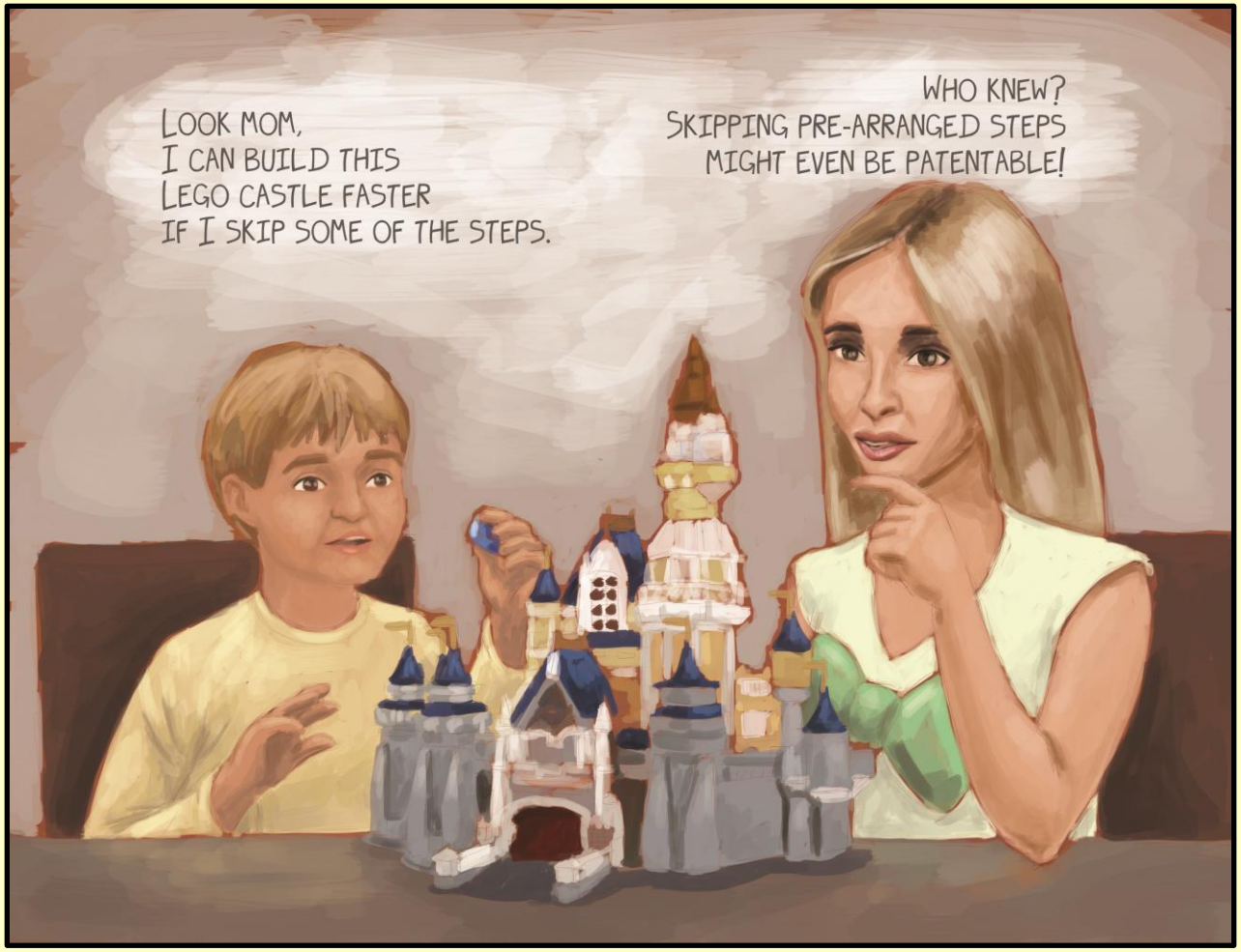
SCOTUS closed a loophole under which damages for design patents were based on the value of the entire product, rather than a mere component. (Castles of old had "loopholes" for shooting arrows at attackers).

Bascom Global v ATT (Fed. Cir. 2016)

An ordered combination of old elements can be used to satisfy the second step of the Supreme Court's Alice test for subject matter eligibility.

Enfish LLC v Microsoft (Fed. Cir. 2016)

Claims reciting subject matter that improves the functioning of the computer itself may comprise patentable subject matter under § 101.



Core Wireless (Fed. Cir. 2018)

Delimiting type of data to be displayed and how to display it so that user uses less steps is not abstract.