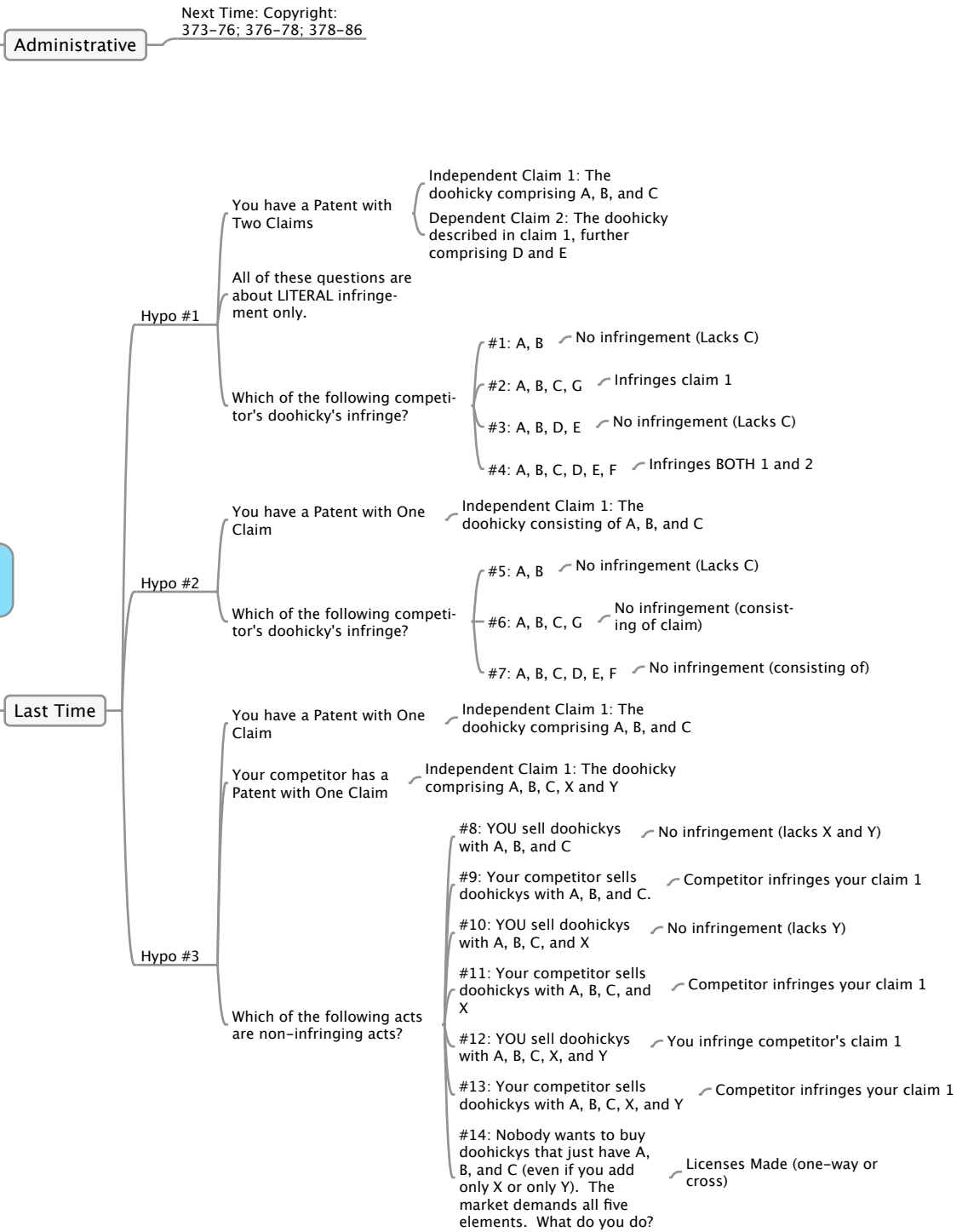
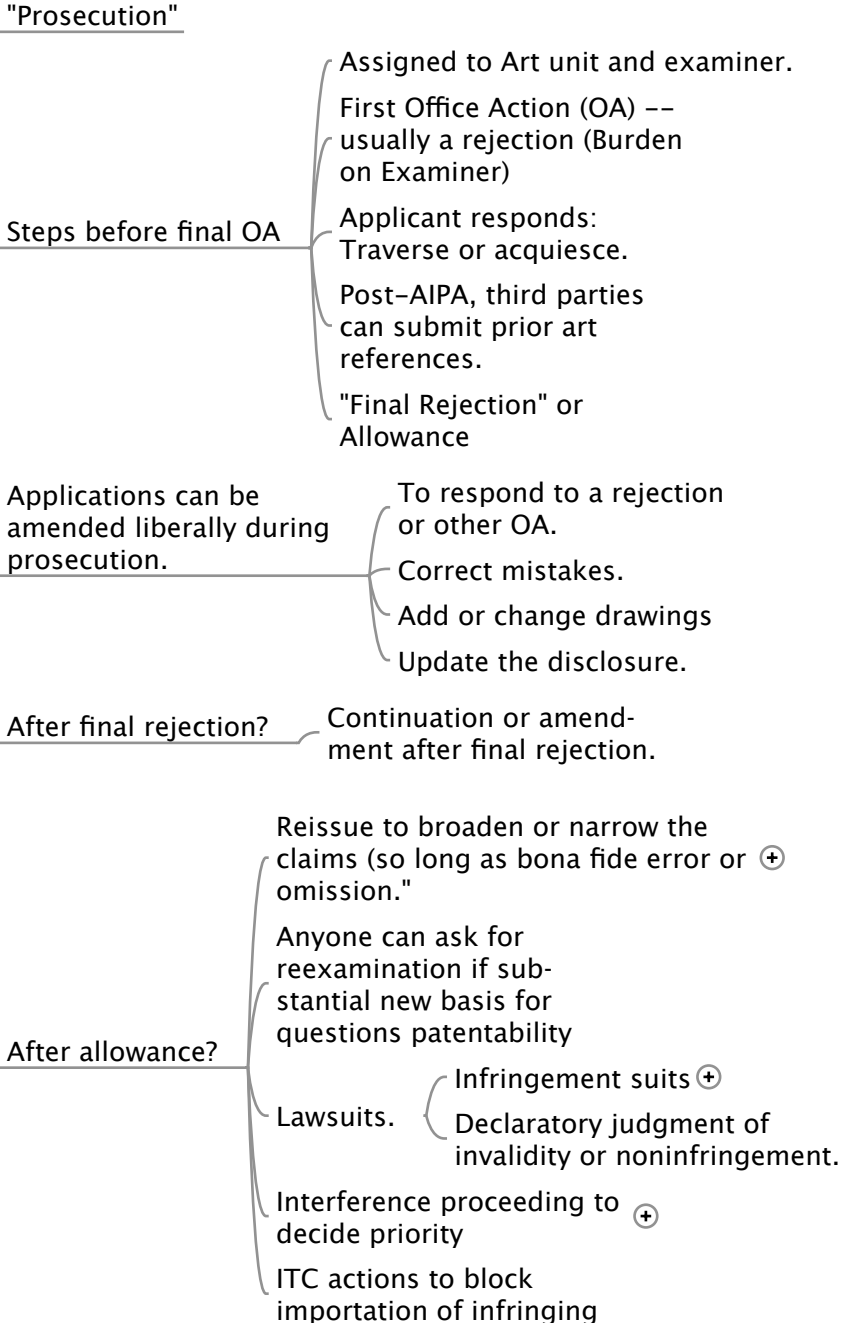


Class 10: Doctrine Of Equivalents



Class 10: Doctrine Of Equivalents

Procedures for Obtaining a Patent



Class 10: Doctrine Of Equivalents

Doctrine of Equivalents

Basic Idea

Policy Rationales — Language

What is the Test?

Example — W-J: Patent used to have no pH limits and it was amended to say "pH range from approximately 6.0 to 9.0"

Alleged infringer operated at a pH of 5.0.

Prosecution History Estoppel

Basic Idea

Policy Rationale

Festo⁺

What is the Test?

Part I: What types of amendments give rise to estoppel?

Part II: Flexible bar.

Example of Festo's three scenarios where absolute bar is inappropriate.

Unforeseeable equivalents.
Amendments made for reasons tangential to the equivalent in question.
Amendments made for "other reasons"