

**Class 9:
Non-obviousness**

Administrative

Next Time 267-85; 294-305

Samsung-Stanford
Patent Prize

Samsung Electronics and Stanford Law School are proud to co-sponsor the inaugural Samsung-Stanford Patent Prizes. We are seeking outstanding papers and paper proposals on the topic of patent remedies.

We will award up to seven Prizes in the amount of \$10,000 each to academics, lawyers, and other professionals in any field who submit the best papers or abstracts. In addition, we will award up to 12 Prizes in the amount of \$5,000 each to full-time students in any field who submit the best papers or abstracts.

The winners are expected to attend and participate in a conference on the subject of patent damages to be held at Stanford Law School on February 18, 2011. Travel expenses will not be separately reimbursed, but should be paid out of the prize money.

Applicants should submit a precis of their draft or proposed paper (not to exceed five pages) by email to Brian Love at Stanford Law School (blove@law.stanford.edu) no later than October 31, 2010. Winners will be notified by approximately November 15, 2010. To be eligible for the Prize, winners must submit a draft of their paper in advance of the conference, by February 1, 2011.

News Wednesdays

Oracle v. HP: Settled! 🇺🇸

Football and IP 🏈

Football and New Media 📺

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Last Time

Obtaining a Patent

Brenner v. Manson

Facts

Application for a process which produces a chemical compound, a steroid

Two claims of utility

1. The class of steroids that included this one was undergoing screening for possible tumor-inhibiting role in mice
2. A "homologue" had proved effective in mice.

Held

In re Fisher

Facts

Genes lead to proteins

- Identify genes
- To someday maybe control genes
- To control protein synthesis

DNA/RNA sequences that encode proteins in maize plants

ACGT/ACGU

Expressed Sequence Tags or ESTs

A sequence that is used to confirm/reject the presence of a given sequence in DNA/RNA
Thus: Shows that THIS gene was expressed in this mRNA

Patent application for a particular EST: ~1800 nucleotides

Key fact: When Fisher filed the application, he did not know the precise structure or function of either the genes or proteins encoded for by those genes

Later: "No known functions" for these genes

Held

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Nonobviousness

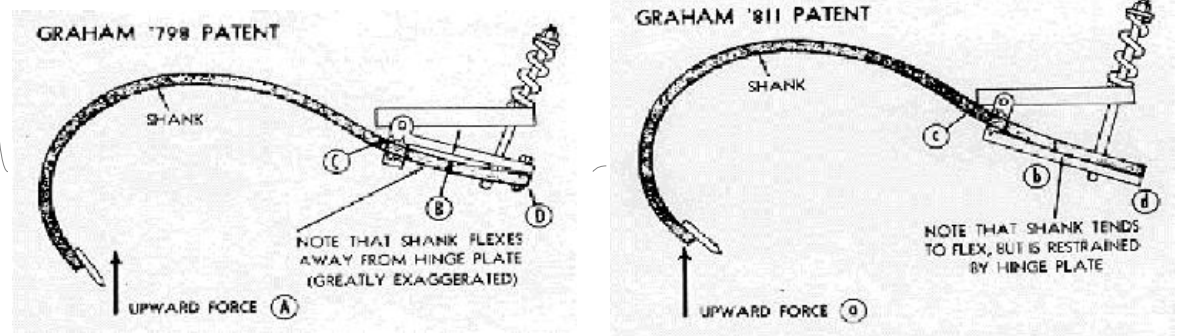
Graham v. John Deere

Facts

Section 103

Prior art attached shank to the TOP of the moving part of the hinge with a bolt.

798 Patent attached shank instead to the BOTTOM of the moving part to achieve three improvements



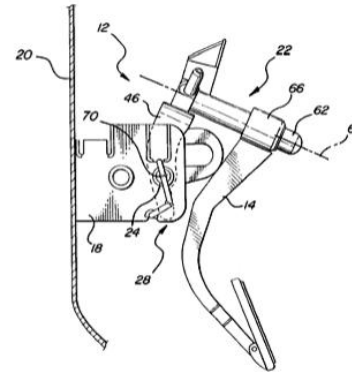
Held

Combining References

KSR v. Teleflex

Invention

Adjustable Accelerator Pedals



- 18: Support
- 20: Vehicle Structure
- 14: Pedal Arm
- 24: Pivot
- 28: Throttle Control

Electronic control for reading the angle of pivot

Problem: If you mount it to the moving part of the pedal

Solution/Invention: Mount it to the fixed support surface instead.

Claim 4 on page 250
Teleflex obtained patent for this

Prior Art Held

Problems

Secondary Considerations