

# Intellectual Property Litigation Alert

May 31, 2012

LITIGATION/CONTROVERSY

## THE LIFE SCIENCES AND CHEMICAL ARTS

### BIOTECHNOLOGY CASES

Case Name	Federal Circuit Holding	Affirmance/Reversal	Subject Matter
<i>Applera Corp. v. Illumina, Inc.</i> , 375 Fed. Appx. 12 (Mar. 25, 2010)	Non-obvious	Affirmed	Methods of sequencing DNA
<i>Amgen Inc. v. F. Hoffmann-La Roche, Ltd.</i> , 580 F.3d 1340 (Sept. 15, 2009)	Non-obvious (obviousness-type double patenting)	Affirmed	EPO production using recombinant DNA
<i>Ecolab, Inc. v. FMC Corp.</i> , 569 F.3d 1335 (June 9, 2009)	Obvious	Reversed	Use of paracetic acid as sanitizer in beef and poultry

Case Name	Federal Circuit Holding	Affirmance/Reversal	Subject Matter
<i>Pharmastem Therapeutics, Inc. v. Viacell, Inc.</i> , 491 F.3d 1342 (July 9, 2007)	Obvious (2-1)	Reversed	Compositions and methods for treating persons with compromised blood and immune systems with hematopoietic stem cells
<b>2 Holdings of Non-obviousness (50%)</b> <b>2 Holdings of Obviousness (50%)</b>		<b>2 Reversals (50%)</b> <b>2 Affirmances (50%)</b>	

#### MEDICAL DEVICE CASES

Case Name	Federal Circuit Holding	Affirmance/Reversal	Subject Matter
<i>Bard Peripheral Vascular, Inc. v. W.L. Gore &amp; Assocs.</i> , 670 F.3d 1171 (Feb. 10, 2012)	Non-obvious (2-1)	Affirmed	Prosthetic vascular grafts fabricated from ePTFE
<i>Retractable Techs., Inc. v. Becton, Dickinson and Co.</i> , 653 F.3d 1296 (July 8, 2011)	Non-obvious	Affirmed	Retractable syringes
<i>Spectralytics, Inc. v. Cordis Corp.</i> , 649 F.3d 1336 (June 13, 2011)	Non-obvious	Affirmed	Coronary stents

Case Name	Federal Circuit Holding	Affirmance/Reversal	Subject Matter
<i>Spine Solutions, Inc. v. Medtronic Sofamor Danek USA, Inc.</i> , 620 F.3d 1305 (Sept. 9, 2010)	Non-obvious	Affirmed	Intervertebral implants
<i>Trimed, Inc. v. Stryker Corp.</i> , 608 F.3d 1333 (June 9, 2010)	Non-obvious	Reversed (remanded)	Implantable device to set bone fractures
<i>Hearing Components, Inc. v. Shure Inc.</i> , 600 F.3d 1357 (Apr. 1, 2010)	Non-obvious	Affirmed	Hearing aid components
<i>Pressure Prods. Med. Supplies v. Greatbatch Ltd.</i> , 599 F.3d 1308 (Mar. 24, 2010)	Non-obvious	Affirmed	Introducer for catheters
<i>Therasense, Inc. v. Becton, Dickinson &amp; Co.</i> , 593 F.3d 1289 (Jan. 25, 2010), <i>reh'g en banc granted</i> (Apr. 26, 2010)	Obvious	Affirmed	Glucose measuring device for diabetics
<i>Therasense, Inc. v. Becton, Dickinson &amp; Co.</i> , 593 F.3d 1325 (Jan. 25, 2010)	Obvious	Affirmed	Glucose measuring device for diabetics
<i>Smith &amp; Nephew, Inc. v. Arthrex, Inc.</i> , 355 Fed. Appx. 384 (Dec. 2, 2009)	Non-obvious	Affirmed	Method of placing and securing a suture anchor in bone
<i>Fresenius USA, Inc. v. Baxter Int'l, Inc.</i> , 582 F.3d 1288 (Sept. 10, 2009)	Obvious	Reversed	Hemodialysis machine with

Case Name	Federal Circuit Holding	Affirmance/Reversal	Subject Matter
			touchscreen interface
<i>Cordis Corp. v. Boston Sci. Corp.</i> , 561 F.3d 1319 (Mar. 31, 2009)	Non-obvious	Affirmed	Intravascular stents
<i>Kinetic Concepts, Inc. v. Blue Sky Med. Group, Inc.</i> , 554 F.3d 1010 (Feb. 2, 2009)	Non-obvious (2-1)	Affirmed	Reduced/negative pressure for wound healing
<i>Boston Scientific Scimed, Inc. v. Cordis, Corp.</i> , 554 F.3d 982 (Jan. 15, 2009)	Obvious	Reversed	Intravascular stents
<i>Lexion Med., LLC v. Northgate Techs., Inc.</i> , 292 Fed. Appx. 42 (Aug. 28, 2008)	Obvious	Affirmed	Method/apparatus for heating and humidifying gas used to inflate abdomen during laparoscopic surgery
<i>Voda v. Cordis Corp.</i> , 536 F.3d 1311 (Aug. 18, 2008)	Non-obvious	Affirmed	Catheters
<i>Ormco Corp. v. Align Tech., Inc.</i> , 498 F.3d 1307 (Aug. 24, 2007)	Obvious	Affirmed	Computer-aided design and manufacture of custom orthodontic appliances
<b>11 Holdings of Non-obviousness (64.7%)</b>		<b>3 Reversals (17.6%, 2 holding obvious)</b>	
<b>6 Holdings of Obviousness (35.3%)</b>		<b>14 Affirmances (82.4%)</b>	

**PHARMACEUTICAL CASES**

<b>Case Name</b>	<b>Federal Circuit Holding</b>	<b>Affirmance/Reversal</b>	<b>Subject Matter</b>
<i>Otsuka Pharm. Co. v. Sandoz, Inc.</i> , 2012 U.S. App. LEXIS 9248 (May 7, 2012)	Non-obvious	Affirmed	Aripiprazole (Abilify n®)
<i>Eurand, Inc. v. Mylan Pharms., Inc.</i> , 2012 U.S. App. LEXIS 7571 (Apr. 16, 2012)	Non-obvious	Reversed	Modified-release dosage form of cyclobenzaprine hydrochloride and method of relieving muscle spasms with the formulation (Amrix®)
<i>Aventis Pharma S.A. v. Hospira, Inc.</i> , 2012 U.S. App. LEXIS 7095 (Apr. 9, 2012)	Obvious	Affirmed	Preparations of docetaxel (Taxotere®)
<i>Unigene Labs., Inc. v. Apotex, Inc.</i> , 655 F.3d 1352 (Aug. 25, 2011)	Non-obvious	Affirmed	Salmon calcitonin nasal spray (Fortical®)
<i>Mitsubishi Chem. Corp. v. Barr Labs., Inc.</i> , 435 Fed. Appx. 927 (Aug. 2, 2011)	Non-obvious	Affirmed	Argatroban injection
<i>Eli Lilly &amp; Co. v. Actavis Elizabeth LLC</i> , 435 Fed. Appx. 917 (July 29, 2011)	Non-obvious	Affirmed	Atomoxetine (Strattera®)

Case Name	Federal Circuit Holding	Affirmance/Reversal	Subject Matter
<i>Tyco Healthcare Group LP v. Mut. Pharm. Co.</i> , 642 F.3d 1370 (June 22, 2011)	Obvious	Affirmed	Temazepam formulations (Restoril®)
<i>In re Brimonidine Patent Litig. v. Exela Pharmsci</i> , 643 F.3d 1366 (May 19, 2011)	Non-obvious	Affirmed	Ophthalmic solution at physiologic pH and osmolality for glaucoma (Alphagan®)
<i>Duramed Pharms., Inc. v. Watson Labs., Inc.</i> , 413 Fed. Appx. 289 (Mar. 25, 2011)	Obvious (remanded)	Reversed	Extended-cycle combined oral contraceptive regimen (Seasonique®)
<i>Daiichi Sankyo Co., Ltd. v. Matrix Labs., Ltd.</i> , 619 F.3d 1346 (Sept. 9, 2010)	Non-obvious	Affirmed	Olmesartan medoxomil (Benicar®, Benicar HCT®, and Azor®)
<i>Eli Lilly &amp; Co. v. Teva Pharms. USA, Inc.</i> , 619 F.3d 1329 (Sept. 1, 2010)	Non-obvious	Affirmed	Raloxifene (Evista®)
<i>King Pharms., Inc. v. Eon Labs., Inc.</i> , 616 F.3d 1267 (Aug. 2, 2010)	Obvious	Affirmed	Methods of administration of metaxalone (Skelaxin®)
<i>Sun Pharm. Indus. v. Eli Lilly &amp; Co.</i> , 611 F.3d 1381 (July 28, 2010)	Obvious (obviousness-type double patenting)	Affirmed	Method of using gemcitabine (Gemzar®) for treating cancer

Case Name	Federal Circuit Holding	Affirmance/Reversal	Subject Matter
<i>Purdue Pharma Prods. L.P. v. Par Pharm., Inc.</i> , 377 Fed. Appx. 978 (June 3, 2010)	Obvious	Affirmed	Controlled-release tramadol formations for daily dosing (Ultram® ER)
<i>Boehringer Ingelheim Int'l GmbH v. Barr Labs., Inc.</i> , 592 F.3d 1340 (Jan. 25, 2010), <i>reh'g en banc denied</i> (May 7, 2010)	Non-obvious (2-1) (obviousness-type double patenting)	Reversed	Pramipexole (Mirapex®)
<i>Ortho-Mcneil Pharm, Inc. v. Teva Pharms. Indus., Ltd.</i> , 344 Fed. Appx. 595 (Aug. 26, 2009)	Obvious	Affirmed	Combination tramadol and acetaminophen (Ultracet®)
<i>Bayer Schering Pharma AG v. Barr Labs., Inc.</i> , 575 F.3d 1341 (Aug. 5, 2009)	Obvious (2-1)	Affirmed	Drospirenone formulation for oral contraception (Yasmin®)
<i>Procter &amp; Gamble Co. v. Teva Pharms. USA, Inc.</i> , 566 F.3d 989 (May 13, 2009)	Non-obvious	Affirmed	Risedronate (Actonel®)
<i>Sanofi-Synthelabo v. Apotex, Inc.</i> , 550 F.3d 1075 (Dec. 12, 2008)	Non-obvious	Affirmed	Clopidogrel (Plavix®) – racemate separation
<i>In re Omeprazole Patent Litig. v. Apotex Corp.</i> , 536 F.3d 1361 (Aug. 20, 2008)	Non-obvious	Affirmed	Omeprazole (Prilosec®)
<i>Eisai Co. Ltd. v. Dr. Reddy's Labs., Ltd.</i> , 533 F.3d 1353 (July 21, 2008)	Non-obvious	Affirmed	Rabeprazole (Aciphex®)

Case Name	Federal Circuit Holding	Affirmance/Reversal	Subject Matter
<i>Daiichi Sankyo Co., Ltd. v. Apotex, Inc.</i> , 501 F.3d 1254 (July 11, 2008)	Obvious	Reversed	Method for treating bacterial ear infections with ofloxacin (Floxin®)
<i>Ortho-McNeil Pharm., Inc. v. Mylan Labs., Inc.</i> , 520 F.3d 1358 (Mar. 31, 2008)	Non-obvious	Affirmed	Topiramate (Topamax®)
<i>Pfizer, Inc. v. Teva Pharms. USA, Inc.</i> , 518 F.3d 1353 (Mar. 7, 2008)	Obvious (obviousness-type double patenting)	Reversed	Celecoxib (Celebrex®)
<i>Aventis Pharma Deutschland GmbH v. Lupin, Ltd.</i> , 499 F.3d 1293 (Sept. 11, 2007)	Obvious	Reversed	Ramipril free of other isomers (Altace®)
<i>Forest Labs., Inc. v. Ivax Pharms., Inc.</i> , 501 F.3d 1263 (Sept. 5, 2007)	Non-obvious	Affirmed	(+)-enantiomer of citalopram (Celexa®)
<i>Metoprolol Succinate Patent Litig. v. KV Pharm. Co.</i> , 494 F.3d 1011 (July 23, 2007)	Obvious (2-1) (obviousness-type double patenting)	Affirmed	Metoprolol succinate (Toprol-XL®)
<i>Takeda Chem. Indus. v. Alphapharm Pty., Ltd.</i> , 492 F.3d 1350 (June 28, 2007)	Non-obvious	Affirmed	Pioglitazone (Actos®)



Case Name	Federal Circuit Holding	Affirmance/Reversal	Subject Matter
<b>16 Holdings of Non-obviousness (57.1%)</b> <b>12 Holdings of Obviousness (43.9%)</b>		<b>6 Reversals (27.3%, 4 holding obvious)</b> <b>22 Affirmances (72.6%)</b>	
<b>3 New Chemical Entity Obviousness Holdings (23.1%)</b> <b>10 New Chemical Entity Non-Obviousness Holdings (76.9%)</b>		<b>3 NCE Reversals (23.1%, 2 holding obvious)</b> <b>10 NCE Affirmances (76.9%)</b>	
<b>9 Non-NCE Holdings of Obviousness (60%)</b> <b>6 Non-NCE Holdings of Obviousness (40%)</b>			

**CHEMICAL ARTS (NON-PHARMACEUTICAL) CASES**

Case Name	Holding	Affirmance/Reversal	Subject Matter
<i>Star Sci., Inc. v. R.J. Reynolds Tobacco Co.</i> , 655 F.3d 1364 (Aug. 26, 2011)	Non-obvious	Reversed	Tobacco curing method
<i>Sud-Chemie, Inc. v. Multisorb Techs.</i> , 554 F.3d 1001 (Jan. 30, 2009)	Non-obvious	Reversed	Desiccant containers

**ALL LIFE SCIENCES/CHEMICAL ARTS**

**31 Holdings of Non-obviousness (60.8%)**

**20 Holdings of Obviousness (39.2%)**

**13 Reversals (25.5%, 8 holding obvious)**

**38 Affirmances (74.5%)**

**COMPUTERS, SOFTWARE, INTERNET, AND ELECTRONICS CASES**

**COMPUTER/SOFTWARE/INTERNET CASES**

<b>Case Name</b>	<b>Holding</b>	<b>Affirmance/Reversal</b>	<b>Subject Matter</b>
<i>MySpace, Inc. v. Graphon Corp.</i> , 672 F.3d 1250 (Mar. 2, 2012)	Obvious	Affirmed	Method/apparatus to allow user to create, modify, and search for database records over a computer network
<i>Hynix Semiconductor Inc. v. Rambus Inc.</i> , 645 F.3d 1336 (May 13, 2011)	Non-obvious	Affirmed	Features of computer dynamic random access memory (“DRAM”)
<i>Odom v. Microsoft Corp.</i> , 429 Fed. Appx. 967 (May 4, 2011)	Obvious	Affirmed	Method for manipulating groups of “tools” in “toolbars” in computer software applications
<i>Katz Interactive Call Processing Patent Litig. v. Am. Airlines, Inc. (In re Katz Interactive Call Processing Patent Litig.)</i> , 639 F.3d 1303 (Feb. 18, 2011)	Obvious	Affirmed	Interactive call processing systems and call conferencing systems
<i>Uniloc USA, Inc. v. Microsoft Corp.</i> , 632 F.3d 1292 (Jan. 4, 2011)	Obvious	Affirmed	Software registration system
<i>Dow Jones &amp; Co. v. Ablaise Ltd.</i> , 606 F.3d 1338 (May 28, 2010)	Obvious	Affirmed	Customized web pages based on signal info

Case Name	Holding	Affirmance/Reversal	Subject Matter
<i>Verizon Servs. Corp. v. Cox Fibernet Va., Inc.</i> , 602 F.3d 1325 (Apr. 16, 2010)	Obvious	Affirmed	Packet-switched telephony
<i>i4i L.P. v. Microsoft Corp.</i> , 598 F.3d 831 (Mar. 10, 2010), <i>reh'g en banc denied</i> (Apr. 1, 2010)	Non-obvious	Affirmed	Method of editing custom computer language
<i>Perfect Web Techs., Inc. v. InfoUSA, Inc.</i> , 587 F.3d 1324 (Dec. 2, 2009)	Obvious	Affirmed	E-mail methods
<i>Lucent Techs. v. Gateway, Inc.</i> , 580 F.3d 1301 (Sept. 11, 2009)	Non-obvious	Affirmed	Method of entering information without using keyboard
<i>z4 Techs., Inc. v. Microsoft Corp.</i> , 507 F.3d 1340 (Nov. 16, 2007)	Non-obvious	Affirmed	Antipiracy software
<i>Verizon Servs. Corp. v. Vonage Holdings Corp.</i> , 503 F.3d 1295 (Sept. 26, 2007)	Non-obvious	Affirmed	Telephony-related methods
<b>5 Holdings of Non-obviousness (41.7%)</b> <b>7 Holdings of Obviousness (58.3%)</b>		<b>0 Reversals (0%)</b> <b>12 Affirmances (100%)</b>	

## ELECTRONIC ARTS CASES

Case Name	Holding	Affirmance/Reversal	Subject Matter
<i>Mettler-Toledo, Inc. v. B-Tek Scales, LLC (B-Tek)</i> , 671 F.3d 1291 (Feb. 8, 2012)	Obvious	Affirmed	System/method for measuring weight of moveable objects on a scale
<i>August Tech. Corp. v. Camtek, Ltd.</i> , 655 F.3d 1278 (Aug. 22, 2011)	Non-obvious	Affirmed	System/method for inspecting integrated circuits printed on substrates such as wafers
<i>Mems Tech. Berhad v. ITC</i> , 447 Fed. Appx. 142 (June 3, 2011)	Non-obvious	Affirmed	Microelectromechanical system (“MEMS”) microphone packages
<i>Vizio, Inc. v. ITC</i> , 605 F.3d 1330 (May 26, 2010)	Non-obvious	Affirmed	Digital television technology/MPEG
<i>Honeywell Int’l, Inc. v. United States</i> , 609 F.3d 1292 (May 25, 2010)	Non-obvious	Reversed	Passive night vision goggles/optics
<i>Power-One, Inc. v. Artesyn Techs., Inc.</i> , 599 F.3d 1343 (Mar. 30, 2010)	Non-obvious	Affirmed	Point-of-load power regulators
<i>Siemens AG v. Seagate Tech.</i> , 369 Fed. Appx. 118 (Mar. 9, 2010)	Obvious	Affirmed	Magnetoresistive sensors
<i>Monolithic Power Sys. v. O2 Micro Int’l Ltd.</i> , 558 F.3d 1341 (Mar. 5, 2009)	Obvious	Affirmed	Power inverter circuitry for laptop computers

Case Name	Holding	Affirmance/Reversal	Subject Matter
<i>Asyst Techs., Inc. v. Emtrak, Inc.</i> , 544 F.3d 1310 (Oct. 10, 2008)	Obvious	Affirmed	System for tracking articles
<i>Scanner Techs. Corp. v. Icos Vision Sys. Corp. N.V.</i> , 528 F.3d 1365 (June 19, 2008)	Obvious	Affirmed	Processes to inspect electronic components
<i>Black &amp; Decker, Inc. v. Robert Bosch Tool Corp.</i> , 260 Fed. Appx. 284 (Jan. 7, 2008)	Non-obvious	Affirmed	Combination of a radio and a battery charger
<b>6 Holdings of Non-obviousness (54.5%)</b> <b>5 Holdings of Obviousness (45.5%)</b>		<b>1 Reversal (9.1%)</b> <b>10 Affirmances (90.9%)</b>	

<u>ALL COMPUTER/SOFTWARE/INTERNET/ELECTRONIC ARTS</u>			
<b>11 Holdings of Non-obviousness (47.8%)</b> <b>12 Holdings of Obviousness (52.2%)</b>		<b>1 Reversal (4.3%)</b> <b>22 Affirmances (95.7%)</b>	

**MECHANICAL ARTS AND MISCELLANEOUS CASES**

**MECHANICAL ARTS CASES**

<b>Case Name</b>	<b>Holding</b>	<b>Affirmance/Reversal</b>	<b>Subject Matter</b>
<i>Stone Strong, LLC v. Del Zotto Prods. of Fla.</i> , 2011 U.S. App. LEXIS 21016 (Oct. 17, 2011)	Obvious	Reversed	Pre-cast concrete blocks and system/method for making pre-cast concrete blocks for use in constructing retaining walls
<i>Mytee Prods. v. Harris Research, Inc.</i> , 439 Fed. Appx. 882 (Sept. 2, 2011)	Non-obvious	Affirmed	Vacuum head attachments
<i>Cimline, Inc. v. Crafcoc, Inc.</i> , 413 Fed. Appx. 240 (Mar. 2, 2011)	Obvious	Reversed	Sealant melters
<i>Tokai Corp. v. Easton Enters.</i> , 632 F.3d 1358 (Jan. 31, 2011), <i>reh'g en banc denied</i> (Apr. 1, 2011)	Obvious (2-1)	Affirmed	Safety utility lighters with extended lighting rods
<i>Lucky Litter LLC v. ITC</i> , 403 Fed. Appx. 490 (Oct. 6, 2010)	Obvious	Reversed	Self-cleaning cat litter box
<i>Geo M. Martin Co. v. Alliance Mach. Sys. Int'l LLC</i> , 618 F.3d 1294 (Aug. 20, 2010)	Obvious	Affirmed	Bundle breaker with compliance structures

Case Name	Holding	Affirmance/Reversal	Subject Matter
<i>Transocean Offshore Deepwater Drilling, Inc. v. Maersk Contrs. USA, Inc.</i> , 617 F.3d 1296 (Aug. 18, 2010)	Non-obvious	Reversed (remanded)	Apparatus for conducting offshore drilling
<i>Wyers v. Master Lock Co.</i> , 616 F.3d 1231 (July 22, 2010)	Obvious	Reversed	Hitch pin locks to secure trailers to automobiles
<i>Rolls-Royce, PLC v. United Techs. Corp.</i> , 603 F.3d 1325 (May 5, 2010)	Non-obvious	Affirmed	Swept fan blades for turbofan jet engine
<i>B-K Lighting, Inc. v. Fresno Valves &amp; Castings, Inc.</i> , 2010 U.S. App. LEXIS 8770 (Apr. 28, 2010)	Obvious	Affirmed	Adjustable mount for sealed light fixtures
<i>Alloc, Inc. v. Pergo, Inc.</i> , 366 Fed. Appx. 173 (Feb. 18, 2010)	Obvious	Affirmed	Mechanical joints for flooring panels
<i>Gemtron Corp. v. Saint-Gobain Corp.</i> , 572 F.3d 1371 (July 20, 2009)	Non-obvious	Affirmed	Refrigerator shelves
<i>Sundance, Inc. v. Demonte Fabricating Ltd.</i> , 550 F.3d 1356 (Dec. 24, 2008)	Obvious	Reversed	Retractable segmented covering systems
<i>Frazier v. Layne Christensen Co.</i> , 239 Fed. Appx. 604 (June 29, 2007)	Obvious	Affirmed	Method for improved water well production



Case Name	Holding	Affirmance/Reversal	Subject Matter
<b>4 Holdings of Non-obviousness (28.6%)</b> <b>10 Holdings of Obviousness (71.4%)</b>		<b>6 Reversals (42.9%, 5 holding obvious)</b> <b>8 Affirmances (57.1%)</b>	

#### MISCELLANEOUS CASES

Case Name	Holding	Affirmance/Reversal	Subject Matter
<i>Stamps.com Inc. v. Endicia, Inc.</i> , 437 Fed. Appx. 897 (June 15, 2011)	Obvious	Affirmed	Postage stamp related methods
<i>Innovention Toys, LLC v. MGA Entm't, Inc.</i> , 637 F.3d 1314 (Mar. 21, 2011)	Obvious (remanded)	Reversed	Light-reflecting board game
<i>Western Union Co. v. MoneyGram Payment Sys.</i> , 626 F.3d 1361 (Dec. 7, 2010)	Obvious	Reversed	Methods of sending money through a financial services institution
<i>Media Techs. Licensing, LLC v. Upper Deck Co.</i> , 596 F.3d 1334 (Mar. 1, 2010)	Obvious (2-1)	Affirmed	Sports memorabilia card
<i>Crocs, Inc. v. ITC</i> , 598 F.3d 1294 (Feb. 24, 2010)	Non-obvious	Reversed	Breathable footwear pieces

Case Name	Holding	Affirmance/Reversal	Subject Matter
<i>Ritchie v. Vast Res., Inc.</i> , 563 F.3d 1334 (Apr. 24, 2009)	Obvious	Reversed	Borosilicate rods
<i>Rothman v. Target Corp.</i> , 556 F.3d 1310 (Feb. 13, 2009)	Obvious	Affirmed	Nursing garment with invisible breast support for nursing mothers
<i>Ball Aerosol &amp; Specialty Container, Inc. v. Ltd. Brands, Inc.</i> , 555 F.3d 984 (Feb. 9, 2009)	Obvious	Reversed	Candles
<i>Leggett &amp; Platt, Inc. v. VUTEk, Inc.</i> , 537 F.3d 1349 (Aug. 21, 2008)	Obvious	Affirmed	Method and apparatus for printing ink on a rigid, deformable substrate
<i>Muniauction, Inc. v. Thomson Corp.</i> , 532 F.3d 1318 (July 14, 2008)	Obvious	Reversed	Electronic (business) methods for conducting original issuer auctions of financial instruments
<i>Agrizap, Inc. v. Woodstream Corp.</i> , 520 F.3d 1337 (Mar. 28, 2008)	Obvious	Reversed	Method and apparatus for electrocuting pests
<b>1 Holding of Non-obviousness (9.1%)</b> <b>10 Holdings of Obviousness (90.9%)</b>			
<b>7 Reversals (63.6%, 6 holding obvious)</b> <b>4 Affirmances (36.4%)</b>			

**ALL MECHANICAL ARTS AND MISCELLANEOUS CASES**

**5 Holdings of Non-obviousness (20%)**

**13 Reversals (52%, 11 holding obvious)**

**20 Holdings of Obviousness (80%)**

**12 Affirmances (48%)**

FOR MORE INFORMATION ON THIS OR OTHER INTELLECTUAL PROPERTY LITIGATION MATTERS, CONTACT:

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