

Federal Circuit Patent Updates - January 2010

JANUARY 31, 2010

[View previous month...](#)

Wyeth and Elan Pharma International, Ltd. v. Under Sec. of Commerce for Intellectual Property
(Rader, Plager, Moore)

January 7, 2010 1:45 PM

(Rader) Affirming summary judgment granting patent term adjustments under 35 USC § 154(b) due to PTO delay. The PTO had incorrectly calculated the term adjustments due where there was an "overlap" of "periods of delay" under section 154(b)(2)(A).

A full version of the text is available [here](#).

Koninklijke Philips Electronics N.V. v. Cardiac Science Operating Co. (Michel, Friedman, Gajarsa)

January 5, 2010 1:37 PM

(Gajarsa) Dismissal of district court civil action under 35 USC § 146 seeking review of a PTO interference decision. "§ 146 grants parties the right to present new testimony and requires the court to review the Board's factual findings." "The court erred in holding that the Board can apply 37 C.F.R. § 41.200(b) and disregard the original disclosure when a patentee challenges an applicant's written description in an interference proceeding."

A full version of the text is available [here](#).