

PRESS RELEASE

Supreme Court Decision Could Shed Different Light on Patents

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A recent ruling by the U.S. Supreme Court could change the way Memphis businesses look at patents.

One thing is for sure, it will definitely change the way attorneys look at them.

In a unanimous ruling on a patent case in late April, the court used a new, more flexible standard that favors competition and ultimately will make it more difficult to get - and keep - patents on new and existing products.

"This is big news, and not just in intellectual property law," said John R. Branson, shareholder in the Memphis office of Baker, Donelson, Bearman, Caldwell & Berkowitz PC. "It affects everybody - microbiologists, car makers, the Internet, everywhere."

The general consensus among Memphis attorneys who practice in the area of intellectual property is the ruling will make it easier to overturn existing patents and it will make new patents more difficult to get, Branson said.

At issue in that Supreme Court case, *KSR International Co. v. Teleflex Inc.*, was a patent for a position-adjustable vehicle pedal assembly.

In the court's opinion, written by Justice Anthony Kennedy, "Granting patent protection to advances that would occur in the ordinary course without real innovation retards progress and may, in the case of patents combining previously known elements, deprive inventions of the value or utility."