

[20601001]



“ We do not feel that seats are reserved (for patent lawyers) , ” says Justice spokesman David Runkel , who declines to say how soon a candidate will be named .

[20601020]

“ But we will take it into consideration . ”

[20601021]

The Justice Department ’ s view is shared by other lawyers and at least one member of the court , Judge H. Robert Mayer , a former civil litigator who served at the claims court trial level before he was appointed to the Federal Circuit two years ago .

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“ I believe that any good lawyer should be able to figure out and understand patent law . ” Judge Mayer says , adding that “ it ’ s the responsibility of highly paid lawyers (who argue before the court) to make us understand (complex patent litigation) . ”

[20601023]

Yet some lawyers point to Eli Lilly & Co. vs. Medtronic , Inc. , the patent infringement case the Supreme Court this month agreed to review , as an example of poor legal reasoning by judges who lack patent litigation experience .

[20601024]

(Judge Mayer was not on the three-member panel .)

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In the Lilly case , the appeals court broadly construed a federal statute to grant Medtronic , a medical device manufacturer , an exemption to infringe a patent under certain circumstances .

[20601026]

If the Supreme Court holds in Medtronic ’ s favor , the decision will have billion-dollar consequences for the manufacturers of medical devices , color and food additives and all other non-drug products that required Food & Drug Administration approval .

[20601027]

Lisa Rames , a lawyer and director of government relations for the Industrial Biotechnical Association , contends that a judge well-versed in patent law and the concerns of research-based industries would have ruled otherwise .

[20601028]

