MoPA
Museum of Patent Art
专利艺术博物馆

KSR 诉 Teleflex（2007 年）

具有普通技术水平的人 (PHOSITA) 通常被认为只有普通水平的创造力。在排列组合相对较少的情况下，一个具有普通技术水平的人应该可以想到所有情况。

KSR v. Teleflex (2007)

A Person Of Ordinary Skill In The Art (PHOSITA) is considered to have an ordinary level of creativity. Where there are a relatively small number of permutations, a PHOSITA would have thought of them all.

Bilski 诉 Kappos（2010 年）

机器或转化检测法不是判断专利题材资格性的唯一标准。揣摩判决书的字里行间可以发现，合格的专利题材必须描述某种真实环境的影响，而不是仅仅在电脑上做文章。

Bilski v. Kappos (2010)

The machine or transformation test is not the only test that can be used to determine subject matter eligibility. Reading between the lines of the decision, patent eligible claims must recite some real-world effect, not just pushing bits around a computer.

Mayo 诉 Prometheus（2012 年）
只描述自然现象，
而没有进一步创新的专利权利要求，
不具备申请专利资格。

Mayo v. Prometheus (2012)

Claims reciting a natural phenomenon, without something more, fail to recite patent eligible subject matter.

Ass'n for Mol. Pathology 诉 Myriad（2013 年）
基于乳腺癌基因突变的诊断方法不能申请专利，因为基因突变只是自然现象，
基于这种原理发明的诊断方法是循规蹈矩。

Ass'n for Mol. Pathology v. Myriad (2013)

Tests based on breast cancer mutations are not patentable because the mutations were merely natural phenomena, and creating an assay based on that principal is routine.

Nautilus 诉 BioSig（2014 年）
即使法院“能”解释专利保护范围，该权利要求书的语言也不一定足够明确。
权利要求书必须向竞争者“明确指明”专利的保护范围。

***Nautilus v. BioSig* (2014)**

Claim language is no longer sufficiently definite if it is "possible" for a court to construe the claim. The claims must "clearly indicate" to a competitor what the scope of the claim is.

Alice 诉 CLS Bank（2014 年）

无论专利申请者多么聪明的撰写专利要求书，其中的语言不能过于宽泛，以至于过度妨碍别人应用其中暗含的原理。为了“促进技术和科学的发展”，专利的保护范围必须与对科技进步的贡献相一致。

Alice v. CLS Bank (2014)

Regardless of how cleverly patent applicants wordsmith the claims, the language cannot be so broad as to disproportionately tie up the use of the underlying ideas. To “promote the arts and sciences” there must be proportionality between the scope of the claims and the scope of the contribution to technology.

Akamai 诉 Limelight（2014 年）

在至少有人直接侵犯专利要求书中的每项元素的前提下，间接侵权才有可能存在。

***Akamai v. Limelight* (2014)**

Indirect infringement can only exist if there is at least one entity that directly infringes by satisfying all of the elements of a claim.

Halo Electronics, Inc. 诉 Pulse Electronics, Inc.（2016 年）

违法行为必须情节过分严重才能理所当然的获得超额赔偿。要求证实客观上的疏忽大意过于狭隘，而仅仅对与众不同的行为要求超额赔偿又过于宽泛。

Halo Electronics, Inc. v. Pulse Electronics, Inc. (2016)

Culpable behavior must be egregious to justify enhanced damages. Requiring a finding of objective recklessness is too narrow, and merely basing enhanced damages on behavior that "stands out from the rest" is too broad.

Medtronic, Inc. 诉 Mirowski Family Ventures, LLC（2014 年）
指责专利被许可人侵权的专利持有者，必须背负举证责任，来证明侵权行为。

Medtronic, Inc. v. Mirowski Family Ventures, LLC (2014)

A patent holder suing a licensee of the patent for infringement must still bear the burden of proving infringement.

Teva 诉 Sandoz（2015 年）
没有明显的错误，上诉法院不应该重新审查初审法院对事实的裁定。

Teva v. Sandoz (2015)

Absent clear error, appeals courts should not review findings of fact de novo.

Teva 诉 Sandoz（2015 年）
上诉法院应重新审查初级法院对专利保护范围的裁定。

Teva v. Sandoz (2015)

Appeals courts should review claim construction de novo.

Commil 诉 Cisco（2015 年）
“真实的相信”专利无效不是对
故意侵权的有效辩护。

Commil v. Cisco (2015)

A "good faith belief" in invalidity of a patent is not a valid defense against a charge of willful infringement.

Kimble 诉 Marvel
（美国最高法院 2015）
专利持有人不得收取
超出专利保护期的
专利许可费。

Kimble v. Marvel **(US 2015)**

A patent holder cannot extend patent license fees beyond the life of the patent.

Ariosa 诉 Sequenom, Inc.
（联邦巡回法院，2015 年）
基于母体血液中存在胎儿DNA这一发现的
诊断方法不具备专利申请资格。
母体血液中的 DNA是一种自然现象；
该诊断方法属于循规蹈矩。

Ariosa v. Sequenom, Inc. (Fed. Cir. 2015)

Tests based on presence of fetal DNA in maternal blood are not patent eligible subject matter. DNA in material blood is a natural phenomenon, and creating the assay is routine.

Williamson 诉 Citrix Online
（联邦巡回法院，2015 年）
“分布式学习控制模块”是一个特定场合用语（未指定特定结构的废弃术语），因此在狭义上可以理解为手段加功能语言。

Williamson v. Citrix Online (Fed. Cir. 2015)

A "distributed learning control module" is a nonce phrase (a wastebasket term that doesn't designate specific structure), and therefore should be interpreted narrowly as means-plus-function language.

Cuozzo Speed（美国最高法院，2016 年）
在双方复审程序(IPR)中，专利审判与上诉委员会(PTAB)在解释专利保护范围时，
必须使用在专利申请时同样的标准，
即最宽泛的合理解释。

Cuozzo Speed (S. Ct. 2016)

During an Inter Partes Proceeding, the PTAB must construe claim terms using the same broadest reasonable construction applied earlier, during prosecution.

Unwired Planet
（联邦巡回法院，2016 年）
涵盖的商业方法 (CBM) 审查标准不能用来反驳仅仅以“附属或补充”金融活动为题材的专利。

Unwired Planet (Fed. Cir. 2016)

Covered Business Method (CBM) review can't be used against a patent that merely claims subject matter that is "incidental or complementary" to a financial activity.

Immersion Corporation
（联邦巡回法院，2016 年）
即使子专利申请提交与原专利被批准发生在同一天，子专利申请仍然被视为早于原专利被批准。

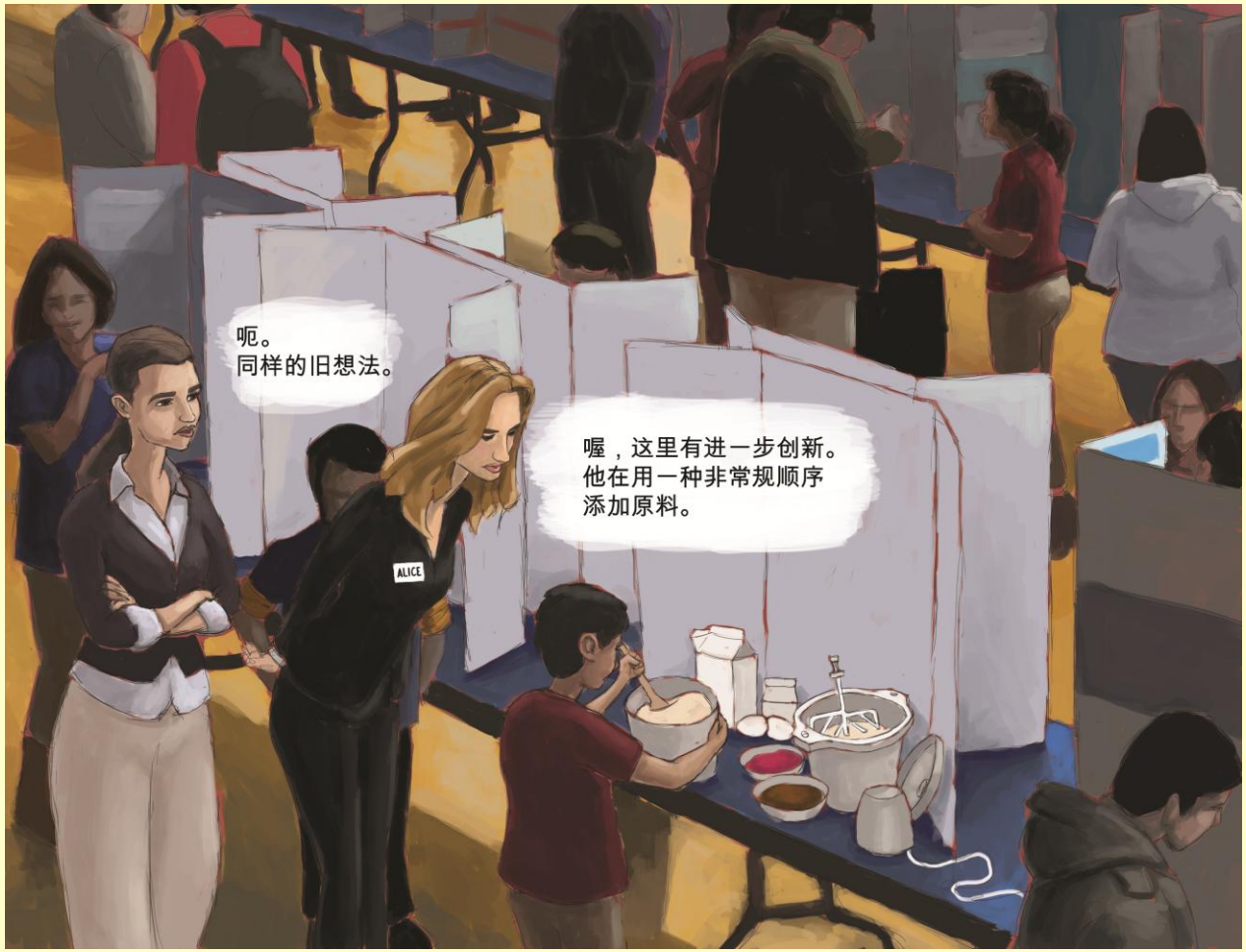
Immersion Corporation (Fed. Cir. 2016)

A child patent application is deemed to be filed before the parent issues, even if the child is filed on the same day that the parent issues.

三星诉苹果
（美国最高法院，2016 年）
美国最高法院修补了一个漏洞，在漏洞之下，设计专利的侵权赔偿基于整个产品的价值，而并非一个组件。（古城堡有用于向攻击者射箭的孔洞。）

Samsung v. Apple (S. Ct. 2016)

SCOTUS closed a loophole under which damages for design patents were based on the value of the entire product, rather than a mere component. (Castles of old had "loopholes" for shooting arrows at attackers).



Bascom Global 诉 ATT
（联邦巡回法院，2016 年）
原有元素的有序组合
可用于满足最高法院“Alice 案”
专利题材资格测试的第二步。

Bascom Global v ATT (Fed. Cir. 2016)

An ordered combination of old elements can be used to satisfy the second step of the Supreme Court's Alice test for subject matter eligibility.

Enfish LLC 诉 Microsoft
（联邦巡回法院，2016 年）
以改进电脑自身功能为专利题材的
专利申请符合专利法 § 101
对专利题材的要求。

Enfish LLC v Microsoft (Fed. Cir. 2016)

Enfish LLC v Microsoft (Fed. Cir. 2016). Claims reciting subject matter that improves the functioning of the computer itself may comprise patentable subject matter under § 101