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[Case on Obviousness Jurisprudence Gains Support -- Microsoft Files Amicus Brief](#)

KSR International v. Teleflex (On Petition for Certiorari)

Strong support is beginning to mount for a small case that may have major consequences on the patent law landscape.

In a petition for a writ of certiorari, KSR has asked the Supreme Court to review the “*teaching-suggestion-motivation test*” for obviousness that has been a stalwart of Federal Circuit jurisprudence for twenty years. During that time, the Supreme Court has not heard a single obviousness case. Noted law professor John Duffy is on the KSR brief, which argues that the CAFC’s obviousness test goes against Supreme Court precedent, against precedent of other circuits, and is bad policy.

Now, A consortium of five major corporations, including Microsoft, Cisco, and Hallmark have filed as amicus supporting the petition. Their brief argues that the current structured test for obviousness is too easy a hurdle for patentees and that the formalities of the test undermines courts ability to truly determine whether an invention is obvious to one skilled in the art.

In addition, Teleflex has filed its opposition to the petition — arguing that (1) obviousness is well settled law and need not be revisited; (2) the CAFC’s test is consistent with *Graham*; and perhaps most importantly (3) this case does not hinge on the obviousness issue.

Documents:

- **Party Briefs**
 - [KSR’s Petition for Cert](#) (Including the CAFC and District Court decisions in Appx A & B);
 - [Teleflex’s Brief in Opposition](#)
 - [KSR Reply Brief \(314 KB\)](#)
- **Amicus Briefs**
 - [24 Law Professors in support of petition](#);
 - [Progress Freedom Foundation in support of petition](#);
 - [Microsoft, Cisco, Hallmark, et al. in support of petition](#).

Links:

- [Patently-O Prior Discussion of the CAFC decision](#);

[Patently-O Prior Discussion of Law Professors Brief](#).