

Insights

BCLP ATTORNEYS AUTHOR ARTICLE FOR 'LAW360' ON PATENT DECISION

Oct 14, 2021

BCLP Law Clerk Ryan Fitzpatrick and Partners Cory Smith and George Chen authored an article published Oct. 13 by [Law360](#) concerning a recent patent decision from the U.S. Court of Appeals for the Federal Circuit. It confirms important details regarding the teaching-away and commercial-success doctrines, which provide strong arguments to overcome not only an obviousness rejection during patent prosecution, but also an obviousness invalidity argument during a post-grant procedure or litigation. "In general, in *Chemours Co. FC LLC v. Daikin Industries Ltd.*, the Federal Circuit reversed two written decisions from the Patent Trial and Appeal Board in inter partes reviews, holding that (1) the board's determination on obviousness was not supported by substantial evidence and (2) the board's analysis of certain objective indicia of nonobviousness was in error," they wrote.

MEET THE TEAM



Cory G. Smith

Phoenix

cory.smith@bclplaw.com

+1 602 364 7442



George C. Chen

Phoenix

george.chen@bclplaw.com

+1 602 364 7367



Ryan Fitzpatrick

Phoenix

ryan.fitzpatrick@bclplaw.com

+1 602.364.7268

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