

KSR v. Teleflex Supreme Court Case on Obviousness

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Kelley Drye's [Intellectual Property](#) Practice Group prepared a client advisory regarding the *KSR v. Teleflex* Supreme Court case. After over 40 years of near silence on the issue of what makes an invention "obvious," the Supreme Court of the United States on April 30, 2007 issued an opinion having far reaching effects on the patentability of technological inventions. The Supreme Court repudiated the hard fast application of the standard employed by the Court of Appeals for the Federal Circuit for nearly 25 years which was designed to protect against hindsight reasoning. Commentators suggest that the "re-discovered" standard for obviousness espoused by the Court may be used to invalidate many issued patents, and may negatively affect the rate of issuance of patents in the United States.