

## **Senniger Powers' Partner John Roedel Writes About KSR International v. Teleflex.**

Senniger Powers' Partner John Roedel has written an article titled "A Sow's ear--importance of patent quality after KSR," discussing the impact of the April 30, 2007 Supreme Court decision in *KSR International Co. v. Teleflex Inc.* His article appears in the August 20, 2007 issue of *Missouri Lawyers Weekly*.

As Mr. Roedel explains, "KSR is a complex decision that attempts to balance competing considerations in evaluating the patentability and validity of patent claims. Its main impact is to eliminate a rigid rule under which the lower courts had held that a patent claim could not be invalidated for obviousness unless the party challenging validity had adduced positive evidence of a 'teaching, motivation or suggestion' that would lead to the invention as claimed."

Mr. Roedel concludes there is "no substitute for quality in patent preparation and prosecution." The KSR decision will only intensify the need for quality. The experienced patent professional, he observes, "cannot make a 'silk purse' out of a 'sow's ear'. But in-depth analysis will often reveal the true nature, sophistication, function and advantages of the 'sow's ear,' and competent, exacting patent draftsmanship and prosecution may bring out that advance in a way that the patent examiner and the court will be compelled recognize as a non-obvious step in the art. By demanding the highest standards of patent drafting and prosecution, the client can best expect to keep to itself the market for the novel 'sow's ear.'"

Click the link <http://www.supremecourtus.gov/opinions/06pdf/04-1350.pdf> for the text of the Supreme Court decision.