



Federal Circuit Reverses Obviousness Ruling on Medical Device Patents

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In 2011, Ivera sued Hospira for patent infringement in the U.S. District Court for the Southern District of California. Ivera's patents are related to caps used for medical devices. The caps are filled with a cleaning agent to prevent the spread of infectious agents and include vents to relieve pressure and permit evaporation. Hospira alleged that Ivera's patents would be obvious in view of the prior art that disclosed an antiseptic cap for medical devices and the benefits of venting a cap for medical devices.

The district court granted summary judgment to Hospira, ruling that it would be obvious to add vents to a cap to arrive at the claimed invention. The district court concluded that skilled artisans would not "need the benefit of hindsight to realize that adding a vent would relieve possible pressure on the inside of the cap," finding there to be

"little difference" between the prior art and Ivera's invention except for the vent. The Federal Circuit disagreed, finding that Ivera had presented persuasive expert declarations that persons skilled in the art would have desired fluidtight caps without vents at the time of the invention, creating a genuine factual dispute precluding summary judgment.

Ivera Medical Corporation v. Hospira, Inc., No. 20141613, 1614 (Fed. Cir. Sept. 8, 2015).

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