



## Southern District of California Court Provides Further Guidance on Patent Infringement Pleading Requirements After Abrogation of Form 18

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The court concluded that TSRI failed to meet the pleading standard adopted by the court after the abrogation of Form 18. In its analysis, the court appeared to give substantial weight to the fact that TSRI did not specifically address all of the limitations of the asserted claims in its allegations. The asserted claims are directed to a “bifunctional molecule,” which, according to TSRI, is used to manufacture DNA microarrays. In its complaint, TSRI identified Illumina’s BeadChip as an infringing product and generally described the characteristics of that product. Based on this description, TSRI concluded that the bifunctional molecule used to manufacture the BeadChip product directly infringed its patent. However, TSRI’s allegations did not specifically address all of the limitations in the asserted claims. In particular, as the court emphasized, the defendant identified “several limitations in claim 1 that are not encompassed—much less addressed—by Plaintiff’s allegations.” The court agreed with the defendant that the asserted patent “does not cover just any bifunctional molecule; its claims all require a bifunctional molecule with a specific structure.” The court therefore found that TSRI failed to meet the pleading standard for direct infringement and dismissed TSRI’s direct infringement claims without prejudice.

*The Scripps Research Institute v. Illumina, Inc.*, 16-cv-661 (S.D. Cal. Nov. 21, 2016) (Sammartino, J.)

## Categories

Infringement

BioTechnology

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