

Patent Law & Policy

Session 25

10/15/08

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Baxter Int'l v. Cobe Labs. (Fed Cir 1996)

- [Pre-*Pfaff* – uses old “totality” test]
- Centrifuge for separating blood, and method
- Baxter Int'l sues Cobe Labs on Cullis patent
- Cullis patent critical date - 5/14/1975
- Q: In public use before 5/14/1975 ?

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Baxter

- Dr. Ito and Dr. Suaudeau
 - Who are they ? And what did they do ?
 - When was Ito's machine reduced to practice ?
 - [Was Ito's machine ready for patenting earlier?]
- Was Suaudeau's use of it "public" ?
 - Was he making "experimental use" of it?
- Baxter counterarguments on publicness?

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W.L.Gore v. Garlock (Fed Cir 1983)

- Process for rapidly stretching Teflon rods
- Gore's critical date - May 21, 1969
- Cropper's machine
 - Builds it in 1966; sells it to Budd in 1968
 - Budd, employees sign secrecy agreements
 - Budd makes, sells sealing tape
 - Public use as to Gore? DuPont visit?
- What if Budd sought process patent?

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