

A Term of Degree Is Not Indefinite for Lack of Mathematical Precision, Despite Multiple Measurement Methods, Absent Proof of a Difference in Result

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Guangdong Alison Hi-Tech Co. v. International Trade Commission, No. 2018-2042 (Fed. Cir. Aug. 27, 2019)

The Federal Circuit affirmed the ruling of the ITC that a term of degree is not indefinite for lack of mathematical precision so long as the specification informs a person of ordinary skill in the art of the scope of the invention with reasonable certainty. Here, the court found that the definiteness requirement for “lofty . . . batting” was satisfied by the specification, which provided functional descriptions, metrics for evaluating key properties, and examples of commercially available products that would fall within the scope of the claimed invention.

The accused infringer also argued that the claim was invalid because the specification provides multiple methods that can be used to measure “loftiness” without specifying which should be used. The argument was rejected, however, because the accused infringer did not provide any evidence that these different methods would lead to different results. Absent a difference in result, the existence of multiple methods of measurement does not render a claim indefinite.

[A copy of the opinion can be found here.](#)

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