

U.S. Supreme Court Issues Two Unanimous Decisions Heightening the Requirements for Patent Definiteness and Induced Patent Infringement

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In two unanimous decisions issued on Monday, the Supreme Court overhauled the Federal Circuit's prevailing tests for determining when a patent is invalid for indefiniteness, and when a defendant may be held liable for induced infringement. First, the Court held that "a patent is invalid for indefiniteness if its claims ... fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention." *Nautilus, Inc. v. Biosig Instruments, Inc.*, No. 13-369 (June 2, 2014). Second, the Court held that a defendant is not liable for inducing patent infringement under 35 U.S.C. § 271(b) if no one has infringed directly under § 271(a). *Limelight Networks, Inc. v. Akamai Technologies, Inc.*, No. 12-786 (June 2, 2014).

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