Kluwer Patent Blog

USA: Bayer CropScience AG v. Dow AgroSciences LLC, United States Court of Appeals, Federal Circuit, No. 2015-1854, 17 March 2017

Cheryl Beise (Wolters Kluwer Legal & Regulatory US) · Wednesday, March 22nd, 2017

The federal district court in Wilmington, Delaware, did not abuse its discretion in finding that Bayer CropScience's infringement suit against agrochemical rival Dow AgroSciences over soybean gene technology qualified as an "exceptional case" warranting an award of attorney fees under Section 285 of the Patent Act, the U.S. Court of Appeals for the Federal Circuit has held. Dow's commercial exploitation of the patents was authorized under the terms of a license between Bayer and a third-party. The district court properly examined the totality of circumstances in finding that Bayer's litigation conduct and its weak legal positions made the case exceptional (Bayer CropScience AG v. Dow AgroSciences LLC, March 17, 2017, Stoll, K.).

A full summary of this case has been published on Kluwer IP Law

To make sure you do not miss out on regular updates from the Kluwer Patent Blog, please subscribe here.

Kluwer IP Law

The **2022 Future Ready Lawyer survey** showed that 79% of lawyers think that the importance of legal technology will increase for next year. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred location. Are you, as an IP professional, ready for the future?

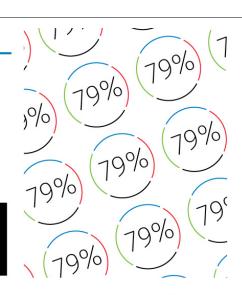
Learn how Kluwer IP Law can support you.

1

79% of the lawyers think that the importance of legal technology will increase for next year.

Drive change with Kluwer IP Law. The master resource for Intellectual Property rights and registration.





2022 SURVEY REPORT The Wolters Kluwer Future Ready Lawyer Leading change

This entry was posted on Wednesday, March 22nd, 2017 at 1:15 pm and is filed under Case Law, United States of America

You can follow any responses to this entry through the Comments (RSS) feed. Both comments and pings are currently closed.