

---

# Kluwer Patent Blog

## Patent case: Ethicon LLC v. Intuitive Surgical, Inc., USA

Linda O'Brien (CCH) · Thursday, June 9th, 2022

Petitioner expert testimony in inter partes review of a surgical tool patent was more credible than patent owner's expert that a person of ordinary skill in the art would have been motivated to combine asserted prior art and would have had a reasonable expectation of success in do so.

There was substantial evidence to support the Patent Trial and Appeal Board decision in two consolidated inter partes review proceedings that the challenged claims of a surgical stapling device patent were unpatentable as obvious, the U.S. Court of Appeals for the Federal Circuit has held. The testimony of the petitioner's expert was found to be logical and credible and supported the factual finding that a skilled artisan would have had a reasonable expectation of success in combining two prior art references. Thus, the Board's decision that the challenged claims of the patent were unpatentable was affirmed (*Ethicon LLC v. Intuitive Surgical, Inc.*, May 23, 2022, Reyna, J.).

Case date: 23 May 2022

Case number: No 21-1995

Court: United States Court of Appeals, Federal Circuit

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.

---

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 Thursday, June 9th, 2022 at 1:03 pm and is filed under [Case Law](#), [Prior art](#), [United States of America](#)

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