

## Recent SCOTUS Decisions in Intellectual Property Cases

The U.S. Supreme Court heard a landmark number of intellectual property cases during its 2013-2014 term. Below is a summary of recent decisions issued in 2014.

### ***Lexmark International, Inc. v. Static Control Components, Inc.***

On March 25, 2014, the Supreme Court in *Lexmark International, Inc. v. Static Control Components, Inc.*, No. 12-873, set a new test for whether a party has standing to bring a false advertising claim under the Lanham Act. In so holding, the Court rejected the three tests that had been developed and applied by the circuit courts. [Click here to read the full Alert.](#)

### ***Octane Fitness, LLC v. Icon Health & Fitness, Inc. and Highmark Inc. v. Allcare Health Management System, Inc.***

On April 29, 2014, the Supreme Court in *Octane Fitness, LLC v. Icon Health & Fitness, Inc.*, No. 12-1184, and *Highmark Inc. v. Allcare Health Management System, Inc.*, No. 12-1163, issued two decisions relaxing the standard for determining whether a case is exceptional in patent litigation while raising the standard of review. [Click here to read the full Alert.](#)

### ***Limelight Networks, Inc. v. Akamai Technologies, Inc.***

On June 2, 2014, the Supreme Court in *Limelight Networks, Inc. v. Akamai Techs., Inc.*, No. 12-786, ruled that a party can be liable for induced infringement under § 271(b) only when one party has committed direct infringement under § 271(a). This decision reinstated the so-called “single-entity rule” for inducement. [Click here to read the full Alert.](#)

### ***Nautilus, Inc. v. BioSig Instruments, Inc.***

On June 2, 2014, the Supreme Court in *Nautilus, Inc. v. BioSig Instruments, Inc.*, No. 13-369, ruled that “a patent is invalid for indefiniteness if its claims, read in light of the specification delineating the patent, and the prosecution history, fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.” [Click here to read the full Alert.](#)

### ***POM Wonderful LLC v. Coca-Cola Co.***

On June 12, 2014, the Supreme Court in *POM Wonderful LLC v. Coca-Cola Co.*, No. 12-761, ruled that a competitor may bring a Lanham Act false advertising claim challenging food and beverage labels regulated by the Food and Drug Administration (“FDA”) pursuant to the Federal Food, Drug, and Cosmetic Act (“FDCA”). [Click here to read the full Alert.](#)

### ***Alice Corporation Pty. Ltd. v. CLS Bank International***

On June 19, 2014, the Supreme Court in *Alice Corporation Pty. Ltd. v. CLS Bank International*, No. 13-298, unanimously held that patent claims drawn to the generic computer implementation of the abstract idea of intermediated settlement of financial transactions are not patent eligible under 35 U.S.C. § 101. [Click here to read the full Alert.](#)

### ***American Broadcasting Companies, Inc. v. Aereo, Inc.***

On June 25, 2014, the Supreme Court in *American Broadcasting Companies, Inc. v. Aereo, Inc.*, No. 13-461, held in a 6-3 majority decision that Aereo’s system for capturing and recording broadcast TV programming, and

then streaming that programming to individual subscribers, “performs” that programming “publicly” and so infringes the copyright holders exclusive right to transmit those works. [Click here to read the full Alert.](#)