



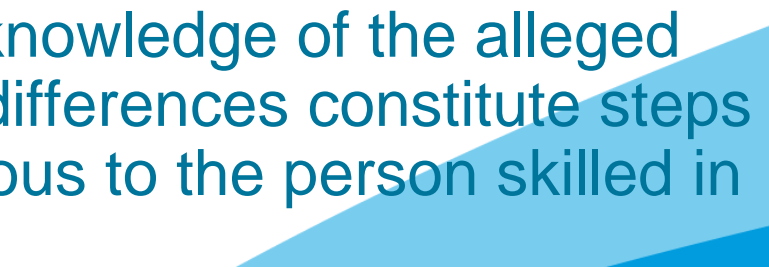
Intellectual
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Inventive step



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Pozzoli test for inventive step

- Step 1: Identify the person skilled in the art and their relevant common general knowledge (CGK)
 - Step 2: Identify the inventive concept of the claim in question or if that cannot readily be done, construe it
 - Step 3: Identify what, if any, differences exist between the matter cited as forming part of the “state of the art” and the inventive concept
 - Step 4: Viewed without any knowledge of the alleged invention claimed, do those differences constitute steps which would have been obvious to the person skilled in the art?
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Overcoming a technical prejudice

- Part of the common general knowledge
- May be positive and negative
- May not even see the 'problem'

Dyson Appliances Ltd v Hoover Ltd [2001] RPC 26

A decorative graphic element in the bottom right corner of the slide, consisting of two overlapping triangular shapes that create a gradient from light blue to a darker blue.

Timing

- From which prior art documents can you base an objection?
- What if the prior art is very old or obscure?



Selection inventions

- Individual elements or sub-ranges (which have not been explicitly disclosed) within a broader known range
- For example a general chemical formula in prior art, then a single compound selected

Generics v Yeda Research and Development

Dr Reddy's Laboratories (UK) Ltd v Eli Lilly & Co Ltd



Obvious to try

- Reasonable expectation of success
- Level of expectation depends on the facts



Combination of features (collocation)

- How many inventions?
- Synergy or mere combination of features?

SABAF SpA v MFI Furniture Centres Ltd [2005] RPC 10



Thank you

