INTERNATIONAL JUDICIAL SYMPOSIUM ON INTELLECTUAL PROPERTY 2024

MOCK TRIAL CASE: UNITED STATES

The Honorable Jennifer Choe-Groves, U.S. Court of International Trade

Fadi N. Kiblawi, Sughrue Mion, PLLC

David Albagli, White & Case

OVERVIEW

- Patent Infringement
- Patent Validity (Obviousness)

INFRINGEMENT

35 U.S.C. § 271

- Direct infringement arises when a party "without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent." 35 U.S.C. § 271(a).

Other claims of infringement include:

- Induced infringement under 35 U.S.C. § 271(b)
- Contributory infringement under 35 U.S.C. § 271(c)
- Willful infringement (award of damages up to three times) under 35 U.S.C. § 284

BURDEN OF PROOF

- "The patentee bears the burden of proving infringement by a preponderance of the evidence." Creative Compounds, LLC v. Starmark Lab'ys, 651 F.3d 1303, 1314 (Fed. Cir. 2011) (citation omitted).

DETERMINING INFRINGEMENT

- Determining infringement can be done through a jury or bench trial, at the choice of the parties, and the parties can waive a jury

SEMINAL CASE: MARKMAN

- Markman v. Westview Instruments, Inc. ("Markman"), 52 F.3d 967, 979 (Fed. Cir. 1995) (en banc), aff'd, 517 U.S. 370 (1996), established that the interpretation of patent terms (claim construction) is the responsibility of the court, not the jury.
- When the meaning of a patent claim's language is disputed, the court must construe the claim as a matter of law.
- The construction of a patent, including terms of art within its claim, is exclusively within the province of the court.
- The purpose of claim construction is to determine the meaning and scope of the patent claims asserted to be infringed.
- The patent is a fully integrated written instrument.

INFRINGEMENT: TWO STEP ANALYSIS

- An infringement analysis entails two steps.
- The first step is determining the meaning and scope of the patent claims asserted to be infringed.
- The second step is comparing the properly construed claims to the device accused of infringing.
- The first step is a question of law, while the second step is a question of fact.

MOCK CASE: FACTUAL BACKGROUND

- Plaintiff Pony Corp.
- Defendant Donkey Corp.

FACTUAL BACKGROUND

- Plaintiff Pony Corp. ("Plaintiff" or "Pony") sued Defendant Donkey Corp. ("Defendant" or "Donkey") for patent infringement, seeking an injunction against the manufacture and sale of the products and monetary damages.
- Pony owns a patent right to Patent No. JP20241024 ("Plaintiff's Patent") for an invention titled "Lid" ("Invention").
- The patent was filed on December 1, 2008, and registered on December 14, 2009.
- The Invention relates to a lid used as a part of a storage container in which stored food can be heated in a microwave oven.

FACTUAL BACKGROUND

- Donkey manufactures and sells lids ("Defendant's Product(s)").
- These lids are used as parts of storage containers in which stored food can be heated in a microwave oven.
- Defendant started to manufacture and sell the accused product on January 15, 2024.
- The Court refers to the patent for Defendant's Product(s) as "Defendant's Patent."

MOCK CASE: CLAIM CONSTRUCTION OF "THROUGH HOLE"

- Language of the Asserted Claim
- Written Description of the Asserted Claim
- Extrinsic Evidence

PARTIES' ARGUMENTS

- The Parties seek claim construction on the term "through hole."
- The Parties disagree over the size of the opening used to achieve this purpose, for the discharge of water from the storage container to not hit the flap or the prevention of "splattering" of water during discharge.

PARTIES' ARGUMENT: PLAINTIFF

- Proposed construction for the claim term "through hole":
  - The term "through hole" means an opening
    - (i) formed in a top plate portion of a lid,
    - (ii) located outside the base end of a flap with respect to the center of the lid,
    - (iii) through which air and water may be discharged but solid foods may not be discharged.

"FIG. 4 is a diagram showing a state in which water is discharged from the through hole in the storage container of the embodiment."

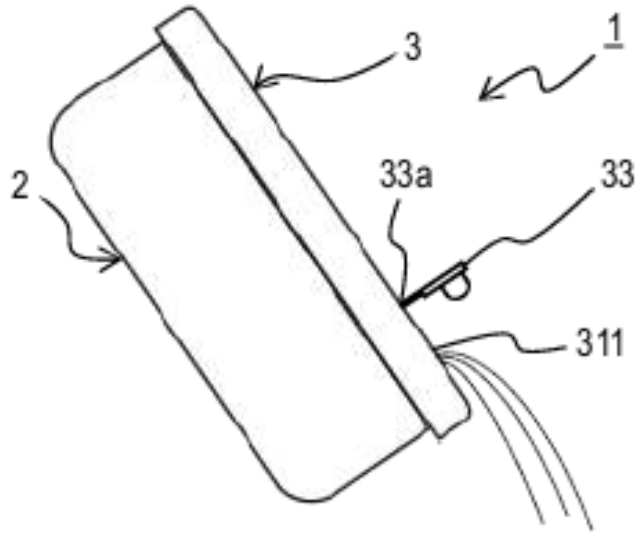


Fig.4

(Plaintiff's Patent, specification at 3-4; Figure 4.)

PARTIES' ARGUMENT: PLAINTIFF

- Plaintiff's construction of "through hole" addresses both . . .
  - The relative location of the opening
  - The ability of the opening to permit gas (air) and liquid (water) to exit the container while retaining solids (food items) inside the container
- Both aspects are relevant to the meaning of the term and the scope of the claim
- Claim 1 does not recite a size or shape limitation for the opening, and neither does Plaintiff's proposed construction

PARTIES' ARGUMENT: PLAINTIFF

- Support for Plaintiff's proposed construction of "through hole"
  - Claim language. Claim 1 itself recites that the through hole is:
    - formed in the top plate portion of the lid (*see* Elements A, B)
    - outside the base end of a flap with respect to the center of the lid (*see* Element F)
  - Specification. In disclosing the invention, the inventors state:
    - A through hole is provided "to release an excessive pressure inside the storage container [] due to heating in a microwave oven." Specification at [0019].
    - "[w]hen the user wants to remove only the excess water accumulated in the storage container [], the user can remove the excess water from the through hole [] to drain water, as shown in FIG. 4, without hitting the flap." Specification at [0024].
      - A person of ordinary skill in the art would infer that the other contents of the storage container (e.g., food, etc.) would be prevented from being discharged

PARTIES' ARGUMENT: PLAINTIFF

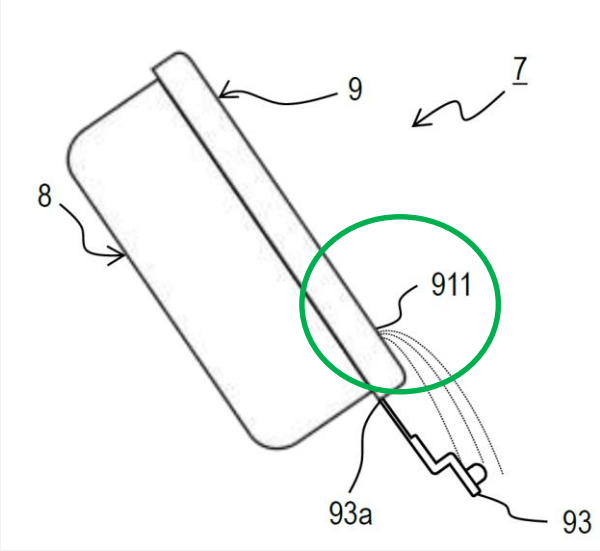
- Defendant's construction of "through hole" focuses on the size of the hole –
  - it must have sufficient size such that water can be "smoothly discharged" (*i.e.*, at a sufficiently high flow rate)
  - and insists that the scope of the claim term can only include "through holes" large enough such that the discharged water would cause "splatter" if the exiting water were to be directed at a flap
- However, Defendant's position overlooks that the "through hole" of the invention is also characterized by its location (a) on the lid and (b) relative to the flap
  - Whether splattering occurs follows from the position of the through hole in relation to the position of the flap and is not solely dependent on whether liquid contents are "smoothly discharged"

PARTIES' ARGUMENT: PLAINTIFF

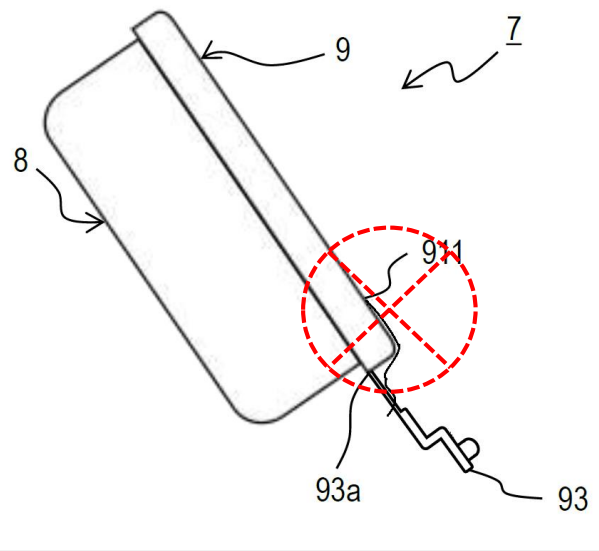
- Plaintiff asserts that Defendant's proposed construction is based on importing a preferred embodiment from the specification, and its focus on the hole size and characterization of the flow rate is too constrained
- Instead, Plaintiff's proposed construction recognizes that the claimed invention merely requires that water may be discharged from the container, in conjunction with the location of the "through hole" relative to the structural elements of the top plate portion (i.e., the lid) and the flap

PARTIES' ARGUMENT: DEFENDANT

- Proposed Construction of "through hole":
  - A hole with a sufficient size to allow water to be "smoothly discharged" at a rate that would cause "splatter" if hitting a flap



Pony Patent FIG. 8, splatter = through hole



No splatter = no through hole

PARTIES' ARGUMENT: DEFENDANT

- Parties agree:
  - Claimed "through hole" does *NOT* mean any and all holes
  - Claimed "through hole" has a size limitation
  - Claim does not specify the size limitation
- Parties disagree:
  - Plaintiff (Pony) – through hole is a hole with sufficient size to allow water to be discharged ***at any flow rate***
  - Defendant (Donkey) – through hole is a hole with sufficient size to allow water to be discharged ***at a flow rate that causes splatter***

PARTIES' ARGUMENT: DEFENDANT

- Plaintiff's construction impermissibly divorced from specification
  - Under the law of *Phillips*, claim terms ***MUST*** be construed in view of the specification, and ***read with a view of ascertaining the invention as disclosed by the patentee***

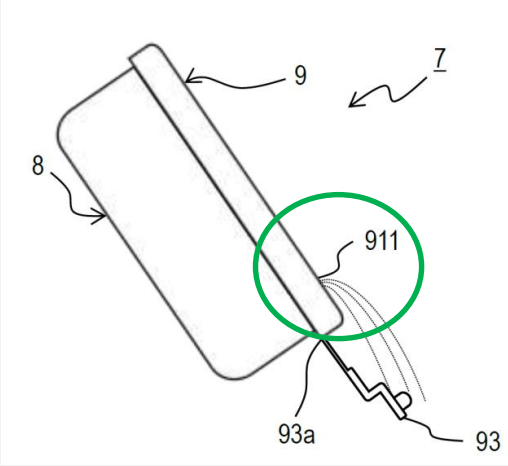
"Patent claims, of course, do not stand alone. Rather, they are part of a fully integrated written instrument, consisting principally of a specification that concludes with the claims. For that reason, claims must be read in view of the specification, of which they are a part. The specification is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term."

"It is fundamental that claims are to be construed in the light of the specifications and both are to be read with a view to ascertaining the invention." (quoting *United States v. Adams*, 383 U.S. 39, 49, 15 L. Ed. 2d 572, 86 S. Ct. 708, 174 Ct. Cl. 1293 (1966))

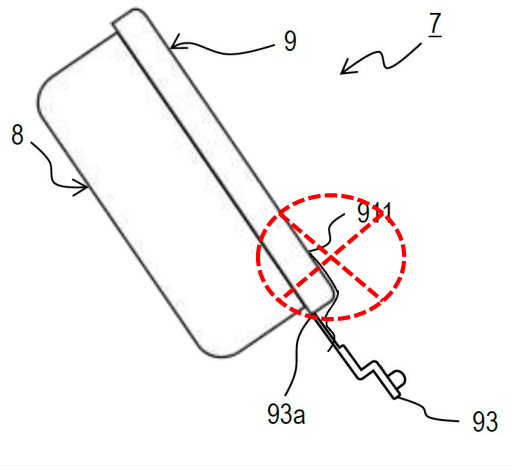
PARTIES' ARGUMENT: DEFENDANT

- Plaintiff's construction divorced from specification
  - Invention disclosed in specification addresses a specified problem in which water discharged from through hole causes a "splatter" when hitting the flap

[0011] … However, in the conventional storage container 7, when tilted to drain water through the through hole 911 as shown in Figure 8, the flap was located below the through-hole 911, so there was a problem in that the water drained from the through hole 911 hits the flap ***and splatters.***



Problem addressed by invention: Splatter



Beyond scope of invention: No splatter (no problem, no invention)

PARTIES' ARGUMENT: DEFENDANT

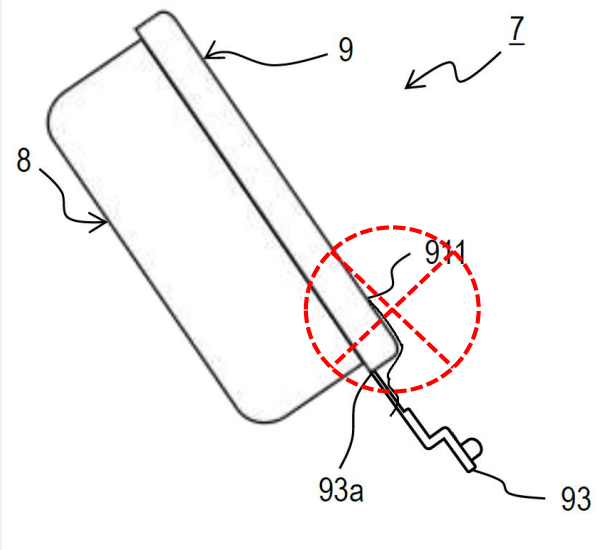
- Plaintiff's construction divorced from specification
  - Invention disclosed in specification explicitly limits the through hole size as not simply one that allows water to be discharged, but to be "smoothly discharged," *i.e.*, thereby causing the **problem being addressed by the patent (splatter)**

> [0019] … The through hole 311 is designed to have such a size that the water inside the storage container 1 can be smoothly discharged and the food inside the storage container 1 can be prevented from being discharged.

  - **Plaintiff's construction attempts to improperly extend the patent monopoly beyond the invention disclosed by picking and choosing to consider only some portions of the specification while disregarding others**
    - "… have such a size that the water inside the storage container 1 can be ~~**smoothly**~~ discharged"
    - "… there was a problem in that the water drained from the through hole 911 hits the flap ~~**and splatters**~~."

PARTIES' ARGUMENT: DEFENDANT

- Defendant's construction considers the entirety of the specification to properly ascertain the invention as disclosed, *i.e.*, arranging the flap so as to solve the problem of "splatter" caused by water "smoothly discharged" via a through hole "designed to have such a size"



No splatter = no through hole, no problem, no invention

CONSTRUCTION OF "THROUGH HOLE"

- The Court construes "through hole" to mean
- an opening
- (i) formed in a top plate portion of a lid,
- (ii) located outside the base end of a flap with respect to the center of the lid,
- (iii) through which water may be discharged but solid foods may not be discharged, and
- (iv) where the water does not hit the flap when discharged from the storage container.

INFRINGEMENT

- Plaintiff's Patent
- Defendant's Product

PARTIES' ARGUMENTS

- Plaintiff contends that Defendant's Product directly infringed Plaintiff's Patent by meeting each limitation of the claim.

- Defendant asserts that Defendant's Product does not meet the limitations of Plaintiff's Patent because it does not have any "through hole."

CLAIM 1 OF PLAINTIFF'S PATENT

A lid used as a part of a storage container in which stored food can be heated in a microwave oven, the lid comprising:

a top plate portion that covers an opening of a container body forming a storage space and has a *through hole* formed therein;

an attachment portion that is provided on an outer periphery of the top plate portion and is configured to be attachable to an upper edge that forms the opening of the container body; and

a flap that is provided to be elastically deformable to rotate with respect to the top plate portion, and has a protrusion that can close the **through hole**,

wherein the flap is configured such that the protrusion is spaced apart from the *through hole* in a natural condition and the *through hole* is maintained in a closed state by the protrusion, and

wherein the *through hole* is formed outside a base end portion of the flap in plan view of the lid.

DEFENDANT'S PRODUCT

A lid used as a part of a storage container for storing food, and the lid as well as a container body is made of heat-resistant plastic, comprising:

a top plate portion covering an opening of the container body, and having *through hole* with a diameter of 3 mm,

an attachment portion, which is integrally formed with the top plate portion, and is configured to be attachable to the upper edge portion that forms the opening of the container body, so as to seal the inside of the storage container,

a flap, which is integrally formed with the top plate portion, and is elastically deformable and has a protrusion that can close the *through hole*,

wherein the flap is configured such that the protrusion is spaced apart from the *through hole* in a natural condition and the *through hole* is maintained in a closed state by the protrusion, and

wherein the through hole is formed in a corner of the top plate portion, and outside a base end portion of the flap in plan view.

VALIDITY

35 U.S.C. §§ 102, 103

- To receive a patent, the inventor must show that their invention is (1) useful; (2) novel; and (3) non-obvious.
- Useful: An invention is considered useful when it has a specific, substantial, and credible utility, and when it can actually perform what it is intended to do.
- Novel: An invention is considered novel when it is not found in prior art, or when the combination of features claimed is not found in a single prior art reference.
- Obviousness: An invention is considered obvious if a skilled practitioner in the relevant field could have easily created it based on prior art.

OBVIOUSNESS: 35 U.S.C. § 103

- A patent may not be obtained "if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious to a person having ordinary skill in the art." 35 U.S.C. § 103(a).

GRAHAM V. JOHN DEERE CO., 383 U.S. 1 (1966)

- The Supreme Court interpreted and clarified the nonobviousness requirement codified in 35 U.S.C. § 103 by providing an objective analysis to apply the statute. This case brought forth the "Graham factors" for the obviousness analysis.
- The underlying facts to be found include: (1) the scope and content of the prior art; (2) differences between the prior art and the claims at issue; (3) the level of ordinary skill in the pertinent art; and (4) secondary considerations such as commercial success, long felt but unsolved needs, and failure of others. See Graham v. John Deere Co., 383 U.S. 1, 17–18 (1966).

KSR INT'L CO. V. TELEFLEX INC., 550 U.S. 398 (2007)

- The Supreme Court reaffirmed Graham as the controlling case on the topic of obviousness (using the Graham factors)
- Obviousness is a question of law based on underlying facts. See KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398, 427 (2007).

MOCK CASE: PRIOR ART

- Applicant's Admitted Prior Art ("AAPA")
- Combination of the AAPA and prior art reference ("Reference 1")

APPLICANT'S ADMITTED PRIOR ART (AAPA)

- A statement by an applicant in the specification or made during prosecution identifying the work of another as "prior art" is an admission which can be relied upon for an obviousness determination, regardless of whether the admitted prior art would otherwise qualify as prior art under the statutory categories of 35 U.S.C. § 102. See Riverwood Int'l Corp. v. R.A. Jones & Co., 324 F.3d 1346, 1354 (Fed. Cir. 2003).
- The specification in Plaintiff's Patent describes an alternative design for a storage container from prior art.

APPLICANT'S ADMITTED PRIOR ART (AAPA)

[Fig.5]

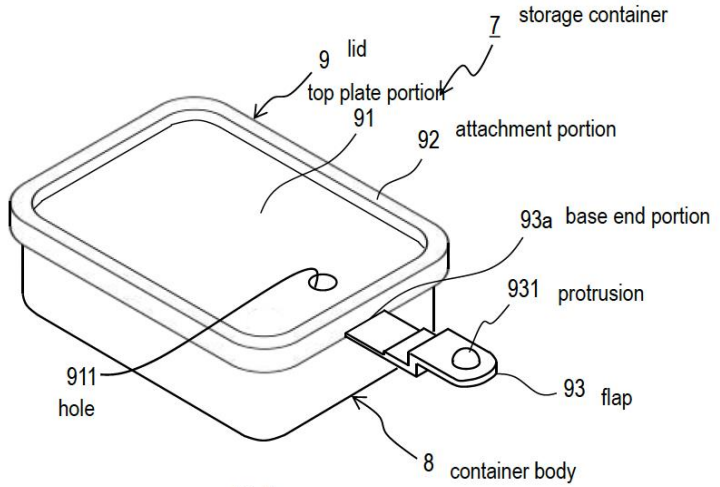


Fig.5

[Fig.6]

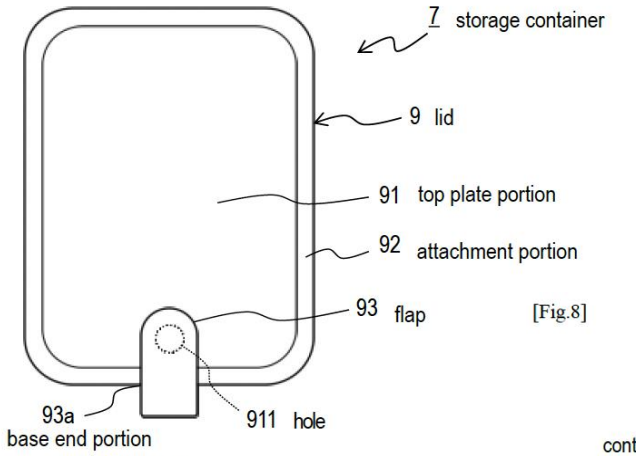


Fig.6

[Fig.8]

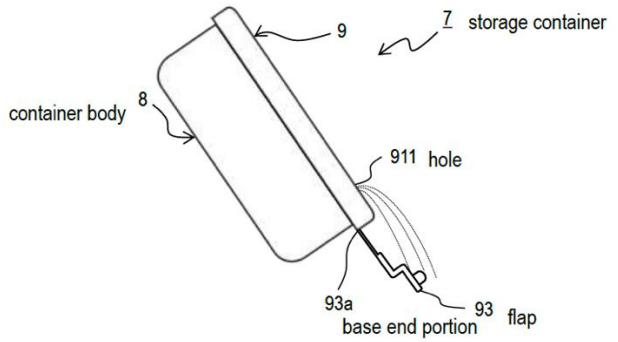


Fig.8

[Fig.7A]

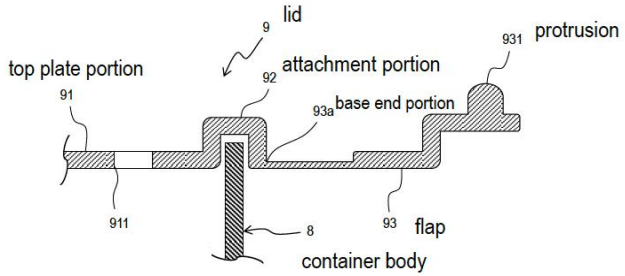


Fig.7A

[Fig.7B]

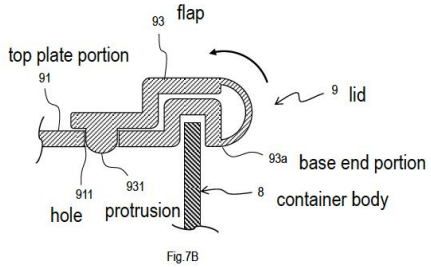


Fig.7B

REFERENCE 1

A lid used as a part of a storage container for storing food in a vacuum condition, the lid comprising:

a top plate portion covering an opening of a container body forming a storage space, and having a through hole formed therein for sucking air from within the storage container;

an attachment portion provided on the outer periphery of the top plate portion and configured to be attachable to an upper edge portion forming the opening of the container body; and

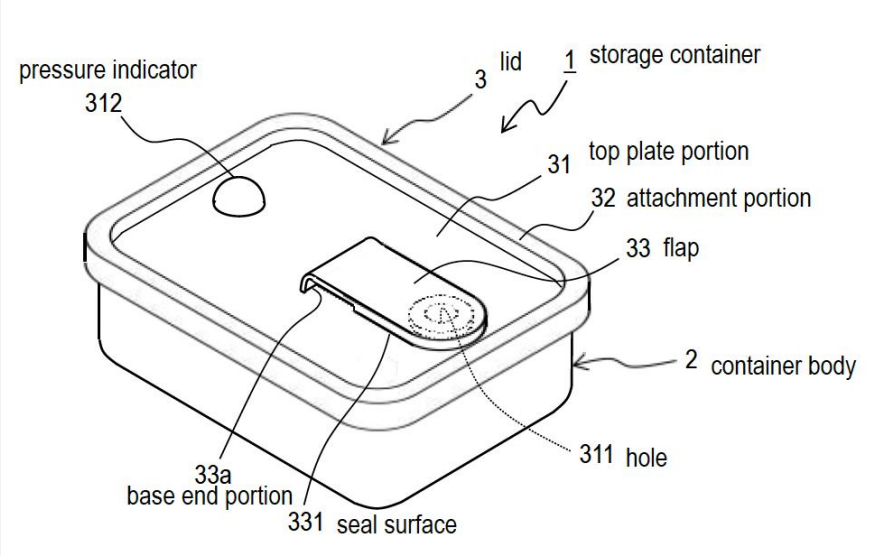
a flap for closing the through hole when the pressure inside the storage container is lower than the pressure outside the storage container,

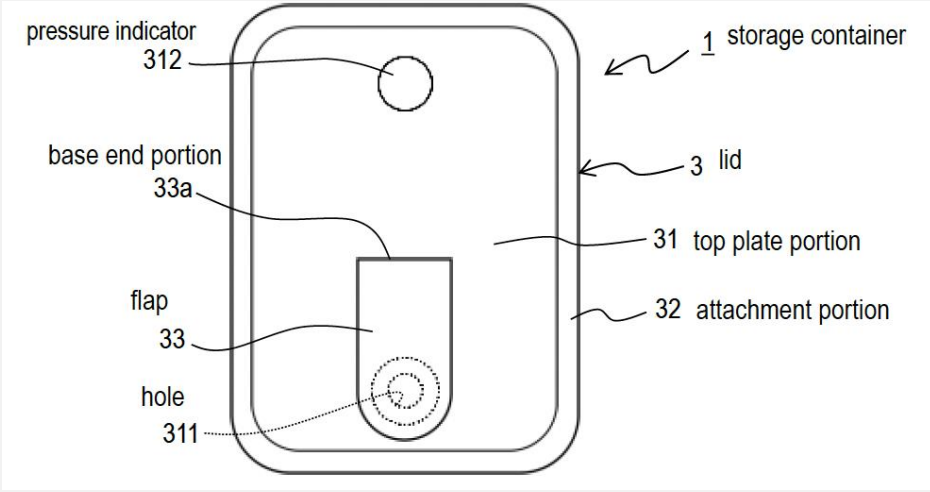
wherein a dome-shaped thin wall portion protruding upward is formed on the top plate portion,

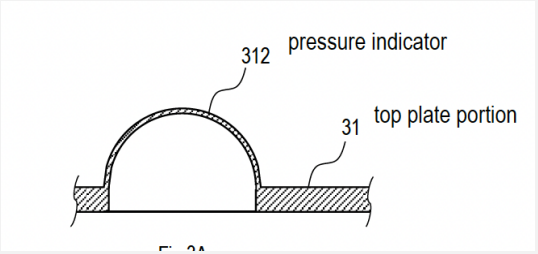
a pressure indicator is formed on the top plate portion, and

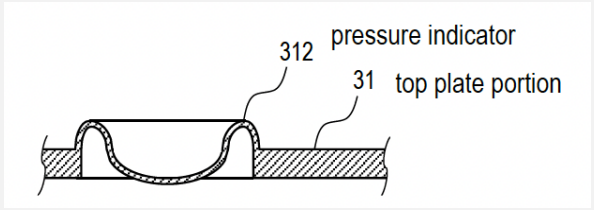
the pressure indicator deforms to be recessed when the pressure inside the storage container becomes sufficiently lower than the pressure outside the storage container

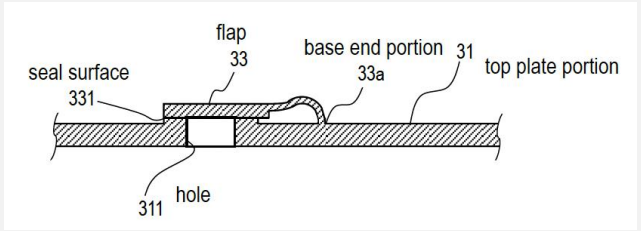
REFERENCE 1

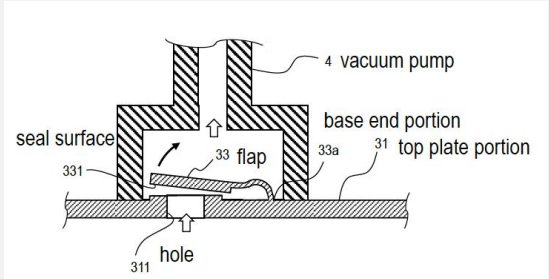

pressure indicator
312
3 lid
1 storage container
31 top plate portion
32 attachment portion
33 flap
2 container body
311 hole
33a
base end portion
331 seal surface


pressure indicator
312
1 storage container
base end portion
33a
3 lid
31 top plate portion
flap
33
32 attachment portion
hole
311


312
pressure indicator
31
top plate portion


312
pressure indicator
31
top plate portion


flap
33
base end portion
33a
31
top plate portion
seal surface
331
311
hole


4 vacuum pump
base end portion
seal surface
33 flap
33a
31
top plate portion
331
311
hole

UNDISPUTED DIFFERENCE #1

- The Invention is used to heat food in a microwave oven, while the AAPA is used to defrost food in a microwave oven.

UNDISPUTED DIFFERENCE #2

- The flap of the Invention has a protrusion that can close the through hole, and the protrusion is spaced apart from the through hole in the natural condition, and the closed state of the through hole is maintained by the protrusion.

- On the other hand, the flap of the first prior art invention (Reference 1) has a seal surface that can close the through hole by adhering closely to the area around the through hole on the upper surface of the top plate portion, and the seal surface is in contact with the area around the through hole on the upper surface of the top plate portion in the natural condition.
  - When the pressure inside the storage container is relatively lower than the pressure outside the storage container, the flap is pressed downward by the pressure difference, the seal surface adheres closely to the area around the through hole on the upper surface of the top plate portion, closing the through hole.
  - When the pressure outside the storage container becomes relatively lower than the pressure inside the storage container, the flap is elastically deformed to rotate upward by the pressure difference, and the seal surface is spaced apart from the area around the through hole on the upper surface of the top plate portion, opening the through hole.

PARTIES' ARGUMENTS

PARTIES' ARGUMENTS: DEFENDANT

- Defendant argues that the Invention is invalid under 35 U.S.C. § 103 because
  - (1) the asserted claim is merely a rearrangement of the same elements of the Applicant's Admitted Prior Art ("AAPA");
  - (2) and the AAPA in view of the prior art reference ("Reference 1" or "Ref. 1") (U.S. Patent Application Publication No. 2006/0077XX) renders the Invention obvious.

PARTIES' ARGUMENTS: DEFENDANT

- Claim 1 is invalid under 35 U.S.C. § 103 by Applicant's Admitted Prior Art
  - No Dispute: AAPA discloses all of the elements of claim 1 other than the location of the flap base relative to the through hole

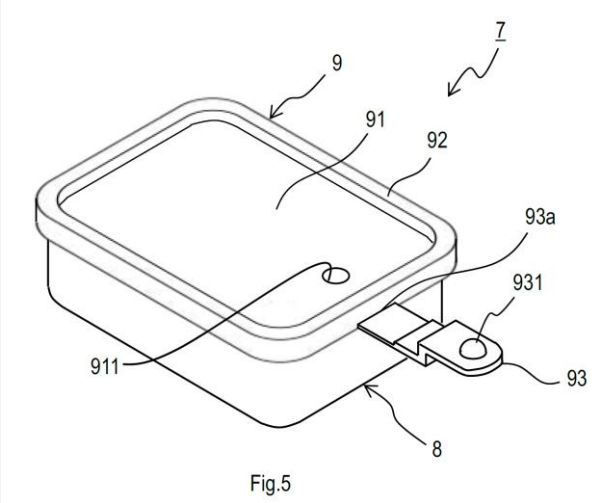


Fig.5

Prior Art: Base of flap ***outside*** of the hole

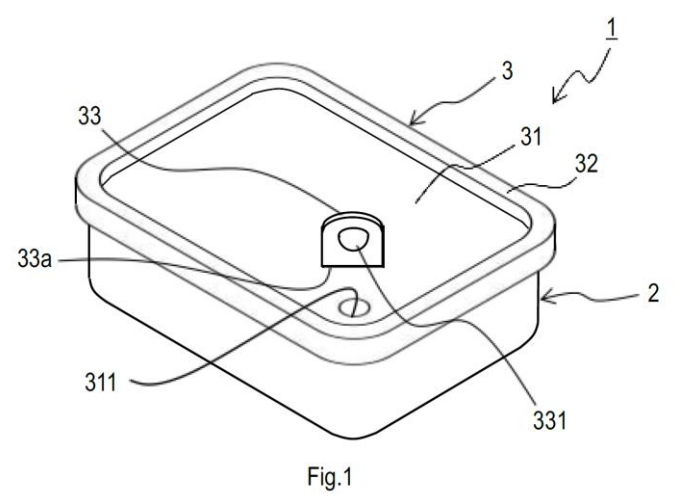


Fig.1

Invention: Base of flap ***inside*** of the hole

PARTIES' ARGUMENTS: DEFENDANT

- Claim 1 is invalid under 35 U.S.C. § 103 by Applicant's Admitted Prior Art
  - Obviousness: Rearranging the location of the flap base relative to the through hole is an obvious matter of design choice
    - Indisputable: Finite number of relative locations of flap base, relative to hole
    - Indisputable: Rearranging location of flap base would not alter operation or function of the storage container, flap, or hole

In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) - Claims to a hydraulic power press which read on the prior art except with regard to the position of the starting switch are unpatentable because shifting the position of the starting switch ***would not have modified the operation of the device***.

In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) - Particular placement of a contact in a conductivity measuring device is obvious matter of design choice.

PARTIES' ARGUMENTS: DEFENDANT

- Claim 1 is invalid under 35 U.S.C. § 103 by AAPA in view of US2006/0077XX
  - No Dispute: AAPA discloses all of the elements of claim 1 other than the location of the flap base relative to the through hole, *i.e.*, other than a through hole that is outside of the flap base
  - No Dispute: US2006/0077X discloses a storage container with a through hole that is outside of the flap base

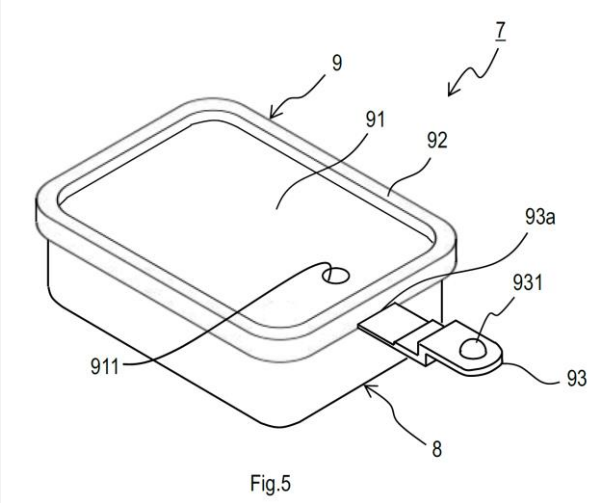


Fig.5

AAPA: Base of flap ***outside*** of the hole

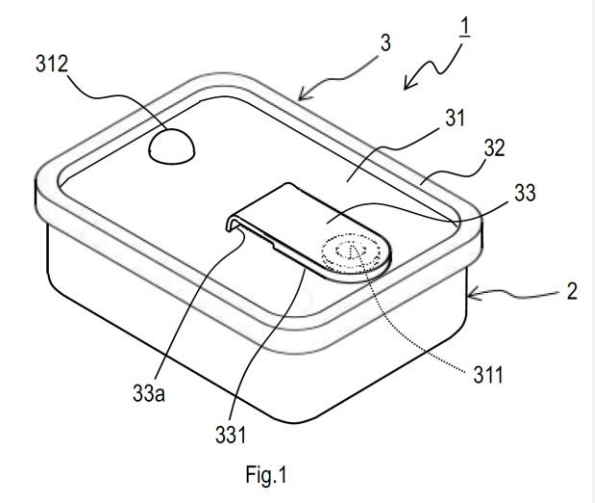


Fig.1

US2006/0077XX: Base of flap ***inside*** of the hole

PARTIES' ARGUMENTS: DEFENDANT

- Claim 1 is invalid under 35 U.S.C. § 103 by AAPA in view of US2006/0077XX
  - Obviousness: Rearranging AAPA's location of the flap base such that the the through hole is outside, as taught by US2006/0077XX, would have been obvious as **a simple substitution of one known element** (a flap base inside of the through hole) **for another** (a flap base outside of the through hole) **with predictable results** (the same exact intended functions of exhausting pressure and discharging liquid)
    - Indisputable: AAPA, US2006/0077XX, and Claim 1 directed to analogous art, *i.e.*, microwavable storage containers for food
    - Indisputable: AAPA discloses a storage container that differs from the claimed storage container only by the substitution of a flap base outside of the through hole with a flap base inside of the through hole
    - Indisputable: The substituted flap base inside of the through hole was known in the art (US2006/0077XX)

PARTIES' ARGUMENTS: DEFENDANT

- Claim 1 is invalid under 35 U.S.C. § 103 by AAPA in view of US2006/0077XX
  - Obviousness: Rearranging AAPA's location of the flap base such that the the through hole is outside, as taught by US2006/0077XX, would have been obvious as **a simple substitution of one known element for another with predictable results** (the same exact intended functions of exhausting pressure and discharging liquid)
  - Indisputable: A POSA could have changed the relative location of the flap base
  - Indisputable: Rearranging location of AAPA's flap base would not alter operation or function of AAPA's storage container, flap, or hole, including intended function of exhausting excess pressure and discharging liquid

Apple Inc. v. Samsung Elecs. Co., Ltd., 839 F.3d 1034, 1077 (Fed. Cir. 2016) – "[W]hen a patent simply arranges old elements with each performing the same function it had been known to perform and yields no more than one would expect from such an arrangement, the combination is obvious. [T]he simple substitution of one known element for another makes the claimed invention obvious." (citing *KSR*, 550 U.S. 419-20) (internal quotations omitted)

PARTIES' ARGUMENTS: PLAINTIFF

- Plaintiff argues that the Invention is not invalid under 35 U.S.C. § 103 on either ground asserted by Defendant
  - With respect to Ground (1): the claimed invention is not a mere rearrangement of elements found in a prior art container that was disclosed in the "Background Art" section of the specification of Plaintiff's Patent; Defendant has *not articulated a reason one of ordinary skill in the art would have been motivated* to change the structure of the prior art device to achieve the claimed invention
  - With respect to Ground (2): The proposed combination of prior art references by Defendant has *not established a prima facie case for obviousness* because the combination would have rendered the prior art unsatisfactory for its intended purpose, which under the law means there would not have been a suggestion or motivation to make the proposed modification

PARTIES' ARGUMENTS: PLAINTIFF

- Ground (1): Not a mere rearrangement of elements
  - Location of the flap and its base end portion, and location of the through hole relative to the flap and center of the lid differ
  - Defendant has not articulated a rationale for why a person of ordinary skill in the art would have been motivated to change the prior art container to obtain the invention
    - The prior art container was well-known in the art (JSIP 2024 at Section VII (p.19)), and the flap was located at the edge of the lid "for reasons such as ease of molding" Pl. Patent at [0010].
    - To a person of ordinary skill in the art (e.g., consumer products design engineer), the alleged modification *would have required extra work and greater expense for little apparent reason* to move away from the established manufacturing process for a product that had been long-used by customers
  - The container structure is not merely an alternate design, but with no articulated rationale to motivate the changes asserted by Defendant, the claimed invention would not have been obvious to the skilled artisan

Disclosed Prior Art Container

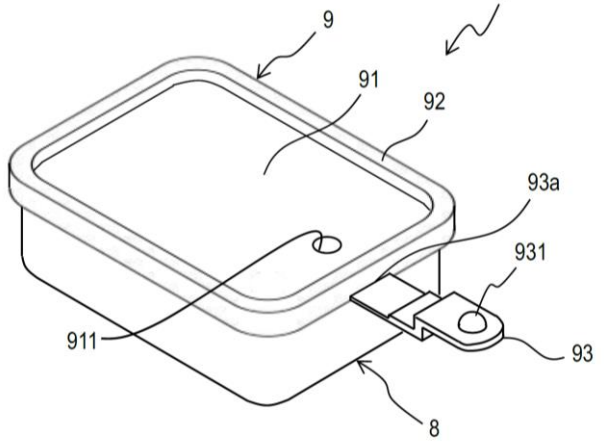


Fig.5

Embodiment of Invention

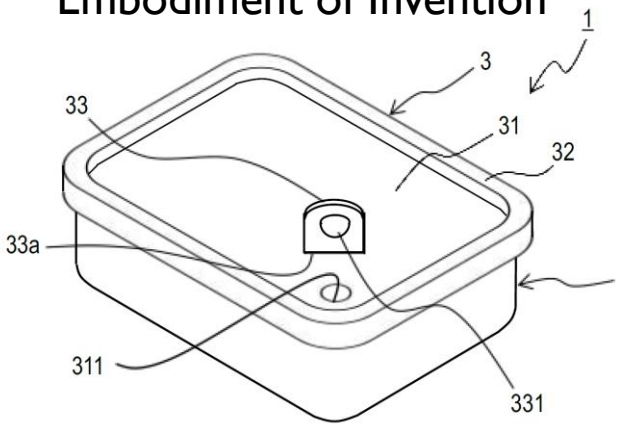


Fig.1

PARTIES' ARGUMENTS: PLAINTIFF

- Ground (2): No prima facie case of obviousness over Ref. 1 in view of AAPA
  - Ref. 1 (U.S. Pre-Grant Publication No. 2006/0077XX) discloses: a storage container for storing food in a vacuum condition ([0001]), the storage container comprising a through hole for sucking air from within the container, and a flap for closing the through hole when the pressure inside the container is lower than the pressure outside ([0005]), which functions as a non-return valve that prevents air from flowing back inside the container ([0018])

Container of Ref. 1

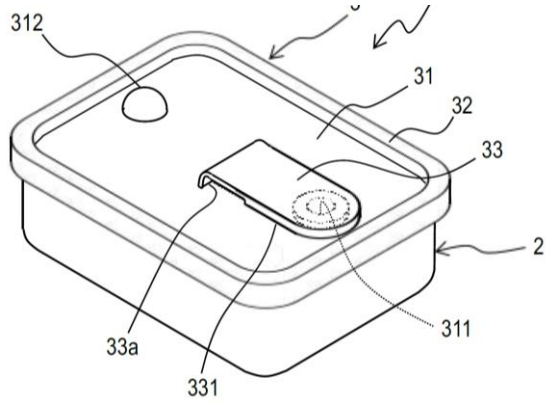


Fig.1

Cross-sectional view of flap when vacuum pump is in use

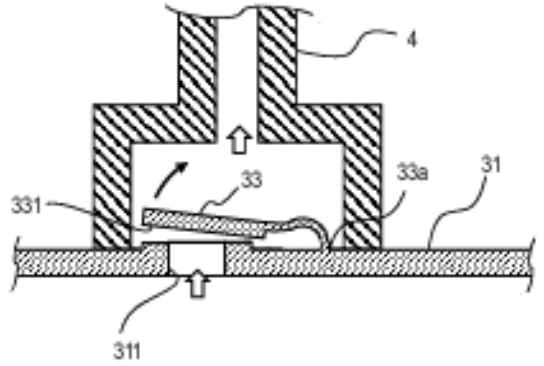


Fig.4B

PARTIES' ARGUMENTS: PLAINTIFF

- Ground (2): No prima facie case of obviousness over AAPA in view of Ref. 1
- If the flap structure of Ref. 1 were to be combined with the AAPA container, that would render the lid of the AAPA container inoperable.
  - The flap of Ref. 1 in its natural state lies on top of the through hole but does not securely close the through hole until and unless an external force (a vacuum) is applied (Ref. 1 at [0016]-[0018].)
  - The flap of Ref. 1 does not have a protrusion that would fit into and thus close the through hole (which is a recited element of Claim 1of Plaintiff's Patent)
- Modifying the AAPA container with the flap disclosed by Ref. 1 would render the AAPA container unsatisfactory for its intended purpose because the flap does not have a protrusion or use such a protrusion to form or maintain the through hole in a closed state
- The combination of AAPA with Ref. 1 alleged to arise from the mere substitution of one element (the flap) from Ref. 1 for another found in the AAPA container would not have achieved or rendered obvious the claimed invention.

PARTIES' ARGUMENTS: PLAINTIFF

- Ground (2): No prima facie case of obviousness over AAPA in view of Ref. 1
- To the extent that Defendant's argument is based on taking from Ref. 1 only the *location* of the base end portion of the flap and on that basis changing the location of the flap of the AAPA container, Plaintiff asserts that such a combination would improperly rely on hindsight reasoning
  - Obviousness is a legal conclusion that must be reached on the basis of facts understood from the prior art that provide evidence that one of ordinary skill in the art would have been motivated to combine the references in such a manner
- The location of the base end portion of the flap in Ref. 1 was driven by the need to fit a vacuum pump over the entire flap structure such that it would form a seal against the lid
- That same need is not present for the AAPA container, which does not otherwise require use of a vacuum pump, thus there would have been no objective need for the flap on the AAPA container to adopt the same location for the base end portion of its flap

THE COURT'S HOLDING

- Plaintiff's Patent is valid under 35 U.S.C. § 103
- Defendant's Product directly infringed Plaintiff's Patent

THANK YOU