

IVERA MEDICAL CORP. v. HOSPIRA, INC., Appeal No. 14-1613 (Fed. Cir. September 8, 2015). Before Newman, Reyna, and Taranto. Appealed from S.D. Cal. (Judge Huff).

Background:

Ivera sued Hospira for infringement of three of its patents, directed to cleaning devices for medical implements such as catheters. The claimed cleaning devices relate to caps that include "a second opening," "aperture," or "means for venting" that inhibit pressure buildup and allow for evaporation of the cleaning agent. Hospira moved for summary judgment of invalidity, asserting that the claims would have been obvious under 35 U.S.C. §103(a) over three prior art references, Hoang, Chin-Loy, and White. The district court granted summary judgment of invalidity, finding that although Hoang does not disclose the claimed vent limitation, the benefits of adding a vent to the cap of Hoang would have been obvious to one of ordinary skill in the art based on the teachings of Chin-Loy and White. Ivera appealed.

Issue/Holding:

Did the district court err in granting summary judgment of invalidity? Yes, reversed and remanded.

Discussion:

Reviewing the district court's decision de novo, the Federal Circuit held that Ivera established a genuine dispute as to a material fact, namely whether one of ordinary skill in the art would have been motivated to add a vent to the disinfecting cap taught by Hoang. In particular, the Federal Circuit pointed to several expert declarations, including a declaration from an inventor of Hoang, referenced by Ivera in support of Ivera's arguments that one of ordinary skill in the art would not have been motivated to add a vent to Hoang's cap at least because the conventional wisdom among those skilled in the art at the time of the invention was that disinfecting caps should be fluid tight to retain the cleaning agent within the cap.

The Federal Circuit found that Hospira's arguments with respect to the teachings of Chin-Loy and White did not foreclose a genuine dispute over whether a person of ordinary skill in the art would have been motivated to add a vent to Hoang's cap. In particular, Hospira argued that Chin-Loy's disclosure of a channel that permits venting of the interior of a medical device through a blood port during sterilization would have motivated one of ordinary skill in the art to add a similar vent to Hoang's cap. The Federal Circuit, however, found that Chin-Loy relates to blood ports of hemodialysis machines and Hospira provides no evidence explaining how Chin-Loy's disclosure is relevant to disinfecting caps.

Hospira also argued that White teaches a vent that allows a cleaning agent to vent onto the exterior of a medical implement to clean a larger portion of the medical implement. The Federal Circuit stated that the parties, however, dispute whether the disclosure of White actually means that the antiseptic vents onto an exterior of the medical implement, as asserted by Hospira. Because White is not clear as to this feature and neither party points to any other evidence favoring one interpretation, the Federal Circuit stated that it must resolve this factual dispute in Ivera's favor at the summary judgment stage. As such, the Federal Circuit found that White does not indicate that one of ordinary skill in the art would have sought to add a vent to Hoang's cap.