

LEGAL UPDATES

PUBLISHED: JUNE 14, 2016

Services

Animal Health &
Production

Post-Issuance
Proceedings

Professionals

MICHAEL R. ANNIS

ST. LOUIS:

314.345.6432

MIKE.ANNIS@

HUSCHBLACKWELL.COM

DANIEL S. COHN

ST. LOUIS:

314.345.6252

DAN.COHN@

HUSCHBLACKWELL.COM

Appeal Board Denies Livestock Patents

On June 13, 2016, the Patent Trial and Appeal Board invalidated two patents challenged by the American Simmental Association, a Husch Blackwell client, ruling that the subject matter they sought to protect was non-patentable. It was the Board's first post-grant review decision under the America Invents Act, which switched U.S. patent rights to the "first inventor to file."

The American Simmental Association argued that two patents previously issued for a method of determining the relative market value of feeder cattle based on genetic merit and physical traits of the animals sought to protect non-patentable subject matter. The Board agreed and stated that the methodology of the challenged patents was based on "fundamental concepts" that were "long prevalent in our system of commerce," and that some of the patents' claims would have been obvious to a person familiar with the relevant technology based on previous inventions.

"We couldn't be more pleased," said Mike Annis, a partner at Husch Blackwell and leader of the Animal Health team. "These two patents were directed to nothing more than the use of a generic computer in a generic fashion to provide calculations based upon an aggregation of information. The technology was clearly non-patentable under the Supreme Court's recent precedent."

Read more about the Patent Trial and Appeal Board's decision [here](#).