



Industry & Innovation
Patent

Patent Nonobviousness

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Nonobviousness how-to

SCOTUS in *Graham v. John Deere* says:

- Determine the scope and content of the prior art
- Note the differences between the prior art and the claimed invention
- Determine the level of ordinary skill in the art
- Consider secondary factors as well (the “Graham factors”)

Graham factors

- Commercial success
- Long-felt but unsolved need
- Failure of others
- Copying of inventor
- Unexpected results
- Skepticism of experts
- Acquiescence
- Adoption by industry