

# Microsoft corp v 141 limited partnerships research paper

[Experience](#), [Belief](#)



\n[[toc title="Table of Contents"](#)]\n

\n \t

1. [Introduction](#) \n \t
2. [What the constitution states about patents in US](#) \n \t
3. [Nature of the case](#) \n \t
4. [Judges for the case Microsoft Corp. v. 141 Limited Partnership](#) \n \t
5. [Work Cited List](#) \n

\n[/toc]\n \n

## **Introduction**

Microsoft Corporation appealed to the court and when the court made its ruling, the following statement was issued by the court to give the opinion of the court. The opinion of the court was delivered by Justice Sotomayor which stated that; “ A patent can be presumed to be valid and the burden of establishing its validity or any claim of such nature shall rest on the part that is trying to challenge its validity. This is found in Section 282 of the Patent Act of 1952. The United States Congress has given the United States Patent and Trademark Authority the mandate of examining patent applications. It is upon the PTO to issue a patent after establishing that an applicant is entitled to a patent under the law. The congress has also given the PTO guidelines to follow during the process of patent issuance. Whenever a party wants to challenge a given patent, it is upon the part to give clear and convincing evidence that can declare a given patent invalid.

## **What the constitution states about patents in US**

According to the ruling given by Justice Sotomayor, The US congress has set the fundamentals for the issuance of a patent which the PTO in prior to the issuance of a patent during the examination stage. In order for one to receive patent protection, a claimed invention must fall within one of the express categories of patentable subject matter. In this case, the on-sale bar of section 102 part b, it prevents patent protection for any form of invention that was on sale in the country more than one year before the filling of a patent application. (Opinion of the court Microsoft corp. V. I4i Ltd. Partnership 564 U. S. 2011) The PTO has to make general determinations based on facts in order to ensure that the above conditions are met. Upon the issuance of a patent, the holder enjoys some exclusive rights including the exclusive right to use the invention during the patent's duration. In case another person uses or offers to sell any patented version, a patentee can then bring a civil action for infringement. This is done so as to ensure that the right of the holder to use the patent is always protected. In such a case, the alleged infringer has to prove the invalidity of the patent and possibly show why the patent ought not to have been issued in the first place. In the conclusion of the ruling given by the court, Judge Rich ascertained that section 282 of the constitution creates a presumption that any patent which has already been issued is valid and the process and expenses for proving its invalidity is upon the attacker. He adds that the burden is constant and does not change. The attacker therefore has to convince the court otherwise based on clear evidence and proof of its invalidity.

## **Nature of the case**

The respondents of the case, i4i held the patent at issue in the suit. The i4i patent asserts a new improved method of handling documents. The i4i sued Microsoft for infringing the patent as they claimed that Microsoft had manufactured a version of MS Word that infringed the patent. Microsoft however denied the infringement and instead sought a declaration that i4i's patent was invalid and could not be enforced. Microsoft specifically pointed out to a sale of i4i prior sale of a software program called S4. Both parties presented opposing claims to the judges regarding the same. Microsoft was then instructed to bear the responsibility of proving the invalidity of the patent as it was found out that they willfully infringed the i4i patent.

(American Hoist, 1984)

## **Judges for the case Microsoft Corp. v. 141 Limited Partnership**

The Chief justice was John Roberts who did not take part in the argument. Other judges were; Justice Cardozo, Justice Sotomayor, Judge Rich, Judge Markey, Justice Harlan and Justice Stevens

## **Work Cited List**

1. Opinion of the court Microsoft corp. V. I4i ltd. Partnership 564 U. S. 2011
2. Schaffer v. Weast, 546 U. S. 49, 56 2005
3. Ginsberg v. Railway Express Agency, Inc., 72 F. Supp. 43, 44, 1947
4. American Hoist & Derrick Co. v. Sowa & Sons, Inc., 725 F. 2d 1350, 1359 , CA Fed. 1984