

Litigation of Chemical Composition Patents

U.S. law forbids making, using, selling, offering for sale, or importing patented chemicals. Ever since the first U.S. patent (1790 patent granted for manufacturing potash), chemicals and processes for manufacturing chemicals have been protected by the patent laws. Below is a brief sample of litigation involving patent owners asserting their patent rights regarding chemical compositions.

In Re Independent Service Organizations Antitrust Litigation v. Xerox Corp., Doc. No. 94-MC-1021-EEO (D.C. Kansas, Filed Apr. 14, 1995), Issue – Xerox’s U.S. Patent No. 4,272,184 on conductive carrier.

Glasstech, Inc. v. Delta Fab, Doc. No. C85-525-Y (D.C. N.D. Ohio, Filed Feb. 15, 1985), Issue – Xerox’s U.S. Patent No. 3,944,711 on transparency material.

Hercules, Inc. v. W.R. Grace Co., Doc. No. CA 92-108 (D.C. Delaware, Filed Feb. 21, 1992), Issue – U.S. Patents Nos. 3,960,572 and 4,716,094 on photosensitive compositions.

Coates Reprographics v. Sublignraphics, Doc. No. 86-2997 (D.C. District of Columbia, Filed Oct. 30, 1986), Issue – U.S. Patent No. 4,145,300 on developers containing magnetic particles.

Spectra Corp. v. Lutz, Doc. No. C86-4447 EFL (D.C. N.D. California, Filed Jul. 31, 1986), Issue – U.S. Patent No. 4,145,300 on developers containing magnetic particles.

Spectra Corp. v. Sublistatic Holding, Doc. No. 81-470-N (D.C. E.D. Virginia, Filed May 27, 1981), Issue -- U.S. Patent No. 4,145,300 on developers containing magnetic particles, and U.S. Patent No. 4,246,331 on EPG developer.

Immunicon Corp. v. Quantum Magnetics, Doc. No. 99-2312 (D.C. E.D. Pennsylvania, Filed May 5, 1999), Issue – U.S. Patent No. 4,795,698 on magnetic polymer particles.

Bayer AG v. Mylan Pharmaceutical, Doc. No. CV-00-6172 (GEB) (D.C. New Jersey, Filed Dec. 22, 2000), Issue – U.S. Patent No. 4,670,444 on certain carboxylic acids and antibacterial agents.

Bayer AG v. Schein Pharmaceutical, Doc. No. 99-CV-5093 (GEB) (D.C. New Jersey, Filed Oct. 29, 1999), Issue – U.S. Patent No. 4,670,444 on certain carboxylic acids and antibacterial agents.

Bayer AG v. Mylan Pharmaceuticals, Doc. No. 99-CV-4659 (GEB) (D.C. New Jersey, Filed Oct. 1, 1999), Issue – U.S. Patent No. 4,670,444 on certain carboxylic acids and antibacterial agents.

Bayer AG v. Schein Pharmaceutical, Doc. No. 99-2181 (GEB) (D.C. New Jersey, Filed May 12, 1999), Issue – U.S. Patent No. 4,670,444 on certain carboxylic acids and antibacterial agents.

Bayer AG v. Ranbaxy Pharmaceuticals, Doc. No. 98-4464 (GEB) (D.C. New Jersey, Filed Sep. 25, 1998), Issue – U.S. Patent No. 4,670,444 on certain carboxylic acids and antibacterial agents.

Spectra Corp. v. Lutz, 839 F.2d 1579, (Fed. Cir., Feb. 24, 1988), Issue – U.S. Patent No. 4,145,300 on toner.

In Re Tomanek, 376 F.2d 325, (C.C.P.A., May 4, 1967), Issue – U.S. Patent on developer composition.

Pall Corp. v. Fisher Sci. Co., 962 F. Supp. 210, (D.C. Mass., Mar. 13, 1997), Issue – In previous litigation, patent owner sued toner manufacturer on U.S. Patent on toner composition. Patent owner proved that manufacturer infringed the patent. In this case, patent owner prevailed against toner manufacturer's customer, who retailed the toner purchased from manufacturer.

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