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*Life Technologies Corp. v. Promega Corp.*, No. 14-1538

A U.S. patent typically does not protect an inventor from the manufacture and use of his invention abroad. But Section 271(f) of the Patent Act provides that it is infringement to export from the United States a “substantial portion” of the unassembled components of a patented invention “to actively induce the combination of such components outside of the United States.”

Today, the Supreme Court granted certiorari to consider whether Section 271(f) prohibits the exportation of a single component of a patented invention if the component is a commodity that is suitable for non-infringing use. The Court will review the Federal Circuit’s determination that a single, commodity component can violate Section 271(f) if the component is a sufficiently important part of the invention.

At the invitation of the Court, the Solicitor General recommended that the Court consider this question. The Solicitor General noted that the Federal Circuit’s rule “subjects domestic exporters to the threat of liability for supplying a single staple article into the global stream of commerce.”

The Court will be recessing for the summer this week and will take up this case in the new Term set to begin in October.