

## David McCombs, Alan Wang in Intellectual Property & Technology Law Journal: 'Obviousness by Resort to Common Sense'

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PRACTICES Intellectual Property, Patent Litigation

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In *Arendi v. Apple*, the U.S. Court of Appeals for the Federal Circuit outlined limited circumstances in which reliance on common sense is acceptable in evaluating obviousness of a claimed invention.

These limited circumstances are sometimes referred to as the Arendi common sense standard or simply, the Arendi standard. In the first half of 2020, two Federal Circuit cases found patent claims obvious by resort to common sense – *Philips v. Google* in January 2020 and *B/E Aerospace v. C&D Zodiac* in June 2020.

This article examines how the court applied the Arendi standard in these and other cases and offers practice tips for patent challengers resorting to common sense to establish obviousness. Likewise, for supporting patentability, practice tips are provided for patent applicants facing obviousness rejections based on common sense.

Excerpted from *Intellectual Property & Technology Law Journal*. To read the full article, click on the PDF below.

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