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Eyes Open to the Past: Federal Circuit Holds Prosecution History Is Claim Construction Evidence

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The Federal Circuit's decision in *Eye Therapies, LLC v. Slayback Pharma, LLC* provides further insight into the tools available for patent claim construction. The Federal Circuit had previously held that a patent's specification can evidence that the patentee intended for a term in the patent claims to have a different meaning than what is typical. Now, the Federal Circuit has held that the prosecution history—the exchanges between the U.S. Patent & Trademark Office and the patent applicant during the application process—can do the same.

Read the full post on Proskauer's Minding Your Business blog.

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