Axonics, Inc. v. Medtronic, Inc., 22-1451 (Fed. Cir. 07/10/2023).

This is a decision on appeals from PTAB cases PR2020-00715, IPR2020-00679. The PTAB concluded that the challenged claims were not shown to be unpatentable. Axonics appealed. The Federal Circuit vacated and remanded.

Legal issue: 35 USC 103; test for analogous art.

The Federal Circuit concluded that is improper to limit analogous art (that is art available for review for an obviousness combination) as limited to a narrow subset of what the challenged claims cover. The Board erred in concluding otherwise.

Here is what the Federal Circuit stated:

> Relatedly, we also conclude that the Board erred in its definition of "the relevant art" as limited to medical leads for sacral-nerve stimulation. J.A. 31. The parties have treated this issue as a factual one, subject to substantial evidence review. Even under that standard of review, we conclude that the Board's ruling on the issue cannot stand.
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> The Medtronic patent claims make no reference to sacral anatomy or sacral neuromodulation, and they cannot be properly construed as so limited. Neither the Board nor Medtronic has cited any authority for treating the relevant art as limited to a narrow subset of what the claims of a patent cover—a conclusion that would risk curtailing prior art analysis of a claim to less than its exclusive-rights-protecting scope. And we have repeatedly ruled that what constitutes "analogous art" for section 103 purposes is tied to "the claimed invention." *See Sanofi-Aventis Deutschland GmbH v. Mylan Pharmaceuticals Inc.*, 66 F.4th 1373, 1377–78 (Fed. Cir. 2023) (citing and quoting cases).
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> In any event, the only reasonable reading of the specification is contrary to the Board's narrow definition. The Board relied on the "Field of the Invention" paragraph, J.A. 13 (quoted supra p. 2), but the language of that paragraph can readily be understood as identifying examples, not narrowing, even if read alone. And it must be so understood when not read in isolation. The "Summary of the Invention," '314 patent, col. 5, line 46 (capitalization altered), like the title of each patent, states the invention in general terms, not limited to the sacral-nerve context, e.g., id., col. 5, lines 48–53; id., col. 5, line 65, through col. 6, line 19, and the Summary labels the sacral-nerve stimulation application as one "preferred embodiment," *id.*, col. 5, lines 53–64. See also id., col. 13, lines 32–39 (stating application to specific other areas). The expressly broad scope of what was identified as invented is not negated by the fact that the specification notes a "need" in the sacral-nerve context that may have supplied the inventor's starting point. *Id.*, col. 5, lines 34–44.
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> We therefore conclude that substantial evidence does not support the Board's limitation of "the relevant art" to sacral-nerve stimulation. [Axonics, Inc. v. Medtronic, Inc., 22-1451 (Fed. Cir. 07/10/2023).]