



Funk Bros. Seed Co. v. Kalo Inoculant Co. 333 US 127 (1948)

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Case Facts

- In a patent infringement suit defendant cross claimed for invalidity of the Bond patent.
- Leguminous plants take nitrogen from the air and fix it in the plant for conversion to organic nitrogenous compounds.
- The ability to fix nitrogen depends on the presence of bacteria of the genus of Rhizobia.
- The patent provided a mixed culture of Rhizobia capable of simultaneously inoculating the seeds of plants belonging to several cross-inoculation groups.
- Prior to the Bond patent, the general practice was to manufacture and sell inoculants containing only one species of root-nodule bacteria.

Case History

- US Supreme Court appeal.

Issue

- Whether a patent with product claims that perform a natural biological process is valid if the only discovery is the combination of naturally occurring bacteria for a beneficial agricultural purpose.

Holding

- The mere aggregation of species falls short of invention within the meaning of the patent statutes.
- Rationale
- A product must be more than new and useful to be patented; it must also satisfy the requirements of invention or discovery.
- The combination of species produces no new bacteria, no change in the six species of bacteria, and no enlargement of the range of their utility; each species has the same effect it always had.
- The qualities of the non-inhibitive strains are the work of nature.
- He who discovers an unknown phenomenon of nature has no claim to a monopoly.