

EXHIBIT A

4.14 FACTORS INDICATING OBVIOUSNESS

Additionally, other objective evidence may favor a finding of obviousness. For example the simultaneous or near simultaneous invention by others of the patented subject matter is a secondary consideration supporting a conclusion of obviousness. Independent making of the invention by persons other than the inventor at about the same time may be evidence that the invention would have been obvious.¹ Also, others skilled in the art working toward the same solution to the same problem, or working on a finite number of predictable solutions to the same problem is also evidence supporting a conclusion of obviousness.²

¹ AIPLA Model Jury Instruction 7.8; *Ecolchem, Inc. v. S. Cal. Edison Co.*, 227 F.3d 1361, 1379 (Fed. Cir. 2000); *Monarch Knitting Machinery Corp. v. Sulzer Morat GmbH*, 139 F.3d 877, 883-84 (Fed. Cir. 1998); *Stewart-Warner Corp. v. City of Pontiac*, 767 F.2d 1563 (Fed. Cir. 1985); *Lindemann Maschinenfabrik GmbH v. Am. Hoist & Derrick Co.*, 730 F.2d 1452 (Fed. Cir. 1984); *In re Farrenkopf*, 713 F.2d 714 (Fed. Cir. 1983); *Orthopedic Equip. Co. v. United States*, 702 F.2d 1005 (Fed. Cir. 1983); *Simmonds Precision Prods., Inc. v. United States*, 153 U.S.P.Q. 465 (Ct. Cl. 1967).

² *KSR Intern. Co.*, 127 S.Ct. at 1742.

