United States

“Life Technologies Corp. et al. v. Promega Corp.”

Decision of the Supreme Court of the United States

22 February 2017 – Case No. 14–1538

Life Technologies Corp. et al. v. Promega Corp.

Patent Act, §271(f)(1)

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Keywords Multicomponent invention · Single component · Substantial portion · Quantitative interpretation · Supply of components · Qualitative interpretation

1. The supply of a single component of a multicomponent invention for manufacture abroad does not give rise to the liability derived from §271(f)(1) of the Patent Act, which prohibits the supply from the United States of all or a substantial portion of the components of a patented invention.
2. Section 271(f)(1)’s phrase “substantial portion” refers to a quantitative measurement. Nothing in the neighboring text points to a qualitative interpretation, which would render the modifying phrase “of the components” unnecessary the first time it is used in §271(f)(1).
3. Under a quantitative approach, a single component cannot constitute a “substantial portion”. Section 271(f)(1) consistently refers to the plural “components,” indicating that multiple components make up the substantial portion. A different interpretation would undermine §271(f)(2)’s express reference to a single component “especially made or especially adapted for use in the invention.”