

Red Hat joins push against software patents

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Red Hat, Inc. has continued its efforts to improve the U.S. patent system and to challenge poor quality software patents. Red Hat joined a large group of companies in an amicus brief to the Supreme Court which explained that the burden of proof applied to invalidate patents impedes innovation and should be changed.

This case concerns whether the party attempting to show that a patent should never have been granted must establish invalidity by clear-and-convincing evidence. The amicus parties argue that this standard favors holders of bad patents, and should be replaced by the standard of preponderance of the evidence. The amicus brief explains that the existing burden rule is bad law that should be corrected by the Supreme Court.

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