# Patent Considerations for Ryder Cup Weekend

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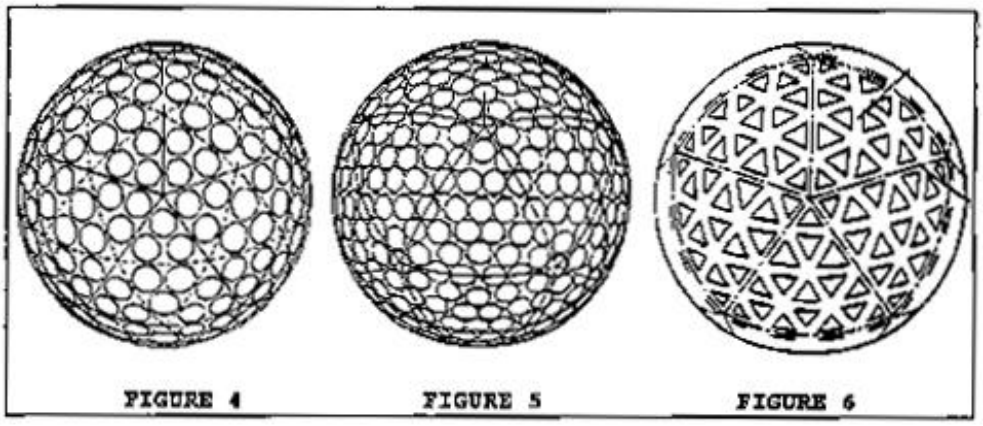
By: @ChisumOnPatents (and #golf !)

Fans of professional golf tournaments (like me) will be following closely the Ryder Cup matches this weekend.

Golf is inextricably "link"ed to patent law. Numerous patents relate to golf equipment, and some have "driven" suits leading to significant legal precedents.

Of "course," the best known golf-patent precedent is Judge Rich's opinion in *Wilson Sporting Goods Co. v. David Geoffrey & Associates*, 904 F.2d 677 (Fed. Cir. 1990). Wilson's U.S. Patent No. 4,560,168 concerned the configuration of dimples on a golf ball:




Judge Rich held that to "score" infringement under the doctrine of equivalents, a patent owner must get "up and down" with a "hypothetical claim." Failure to do so put the patent owner "out of bounds."

In an earlier case, *Dunlop Holdings Ltd. v. Ram Golf Corp.*, 524 F.2d 33 (7th Cir. 1975), a prior inventor's failure to "mark" his golf ball incurred no penalty. The invention related to the ball's inner composition. The prior inventor's public use of his ball qualified as prior art invalidating the later patent in suit, even though one needed to "slice" open the ball to see the invention.

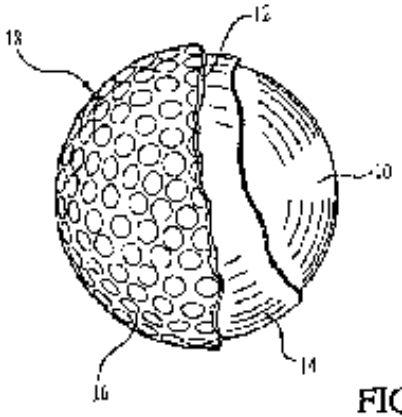


FIG. 2

*Callaway Golf Co. v. Acushnet Co.*, 576 F.3d 1331 (Fed. Cir. 2009), involved a jury trial on the nonobviousness of a golf ball's composition. The drawing labeled "FIG. 2" depicts an embodiment of the invention.

Do you drive a cart when you play? *In re Huston*, 308 F.3d 1267 (Fed. Cir. 2002), concerned a patent application on the display of advertising to golfers in carts based on their course position as determined by a global positioning satellite.

Should Bryson DeChambeau have filed a patent application on his unique set of same-length irons? *Karsten Manufacturing Corp. v. Cleveland Golf Co.*, 242 F.3d 1376 (Fed. Cir. 2001), involved alleged infringement of U.S. Pat No. 4,621,813, which claimed "an improved correlated set of iron-type golf-clubs." The '813 patent in suit was one of several that covered the "Ping Eye2" irons. See https://www.equip2golf.com/archives/history/ping_frameset.html?ping_eye2.html~archives.