

**04-607 LABORATORY CORP. OF AMERICA V. METABOLITE LABORATORIES**

DECISION BELOW: 370 F3d 1354

LOWER COURT CASE NUMBER: 03-1120

**QUESTION PRESENTED:**

1. Whether liability can be imposed for willfully inducing patent infringement under 35 U.S.C. § 271(b) based solely on evidence that a party has disseminated a basic scientific fact to others.
2. Whether an express limitation in a patent claim can be ignored so as to allow the patent to cover the exact opposite of what was claimed.
3. Whether a method patent setting forth an indefinite, undescribed, and non-enabling step directing a party simply to "correlat[e]" test results can validly claim a monopoly over a basic scientific relationship used in medical treatment such that any doctor necessarily infringes the patent merely by thinking about the relationship after looking at a test result.

LIMITED TO QUESTION 3 PRESENTED BY THE PETITION. ORDER OF 11/2/05: Having been advised by the Chief Justice that he now realizes that he should have recused himself from participation in this case, and does now recuse himself, the Court vacates its order of Monday, October 31, 2005. The Court has reconsidered the petition for certiorari, which is granted but limited to question three as presented in the petition. The Chief Justice has not participated in the vote to withdraw the order of October 31, 2005 or in the instant reconsideration of the petition for certiorari.

CHIEF JUSTICE ROBERTS TOOK NO PART IN THE CONSIDERATION OR DECISION OF THIS CASE.

DISMISSED AS IMPROVIDENTLY GRANTED.

CERT. GRANTED 11/2/2005