

## CLIENT ALERT

### Patent Case Has Implications For Contract Interpretation

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Pointing out that, ironically, the Federal Circuit in its recent en banc decision on how to construe a patent more closely followed the prevailing common law of contract interpretation than the court does in contract interpretation cases, Crowell & Moring partner Rick Claybrook in an article recently published in *The Federal Circuit Bar Journal* ([http://www.crowell.com/documents/DOCASSOCFKTYPE\\_ARTICLES\\_679.pdf](http://www.crowell.com/documents/DOCASSOCFKTYPE_ARTICLES_679.pdf)) and republished in *The Computer & Internet Lawyer* suggests that the Federal Circuit align its contract interpretation jurisprudence with the Restatement (Second) of Contracts, as the Supreme Court has repeatedly indicated it should. He also argues that contract interpretation is often not a pure "question of law" and the appellate standard of review requires more careful consideration.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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