WASHINGTON (Reuters) - U.S. Supreme Court justices showed little inclination on Wednesday to scale back the rights of patent holders, sharply questioning arguments made by a lawyer representing online auctioneer eBay Inc. (Nasdaq:EBAY - news)

Several of the justices expressed skepticism during oral arguments about eBay's contention that a federal appeals court had made it too easy for patent owners to get injunctions barring the use of their technologies.

"You're talking about a property right, and the property right is explicitly the right to exclude others," Justice Antonin Scalia told eBay's lawyer. "That's what a patent right is ... give me my property back."

Chief Justice John Roberts also took issue with eBay's argument. He said the appeals court "was just reflecting the reality that in a typical case, (an injunction) is what happens."

EBay was found to have infringed on two e-commerce patents that MercExchange said were key to eBay's "Buy it Now" feature, which handles fixed-price scales. But a U.S. District Court refused to issue an injunction and awarded MercExchange monetary damages instead.

The U.S. Court of Appeals for the Federal Circuit, which hears most patent case appeals in the U.S. courts, reversed the decision, citing legal doctrine that gives patent holders the right to an injunction "absent exceptional circumstances."

The closely watched case has become part of a wider struggle involving the software and pharmaceutical industries over the future of the U.S. patent system.

Software companies complain the near-automatic injunction allows them to be held ransom by owners of questionable patents with no intention of actually making a product.
A lawyer representing eBay told the high court that patent law did not call for a near-automatic injunction against infringers.

"The time has come for this court to say, 'No. That's not what the patent act requires,'" said eBay's attorney, Carter Phillips.

But the lawyer for MercExchange, Seth Waxman, told the justices that eBay "stole" MercExchange's technology and that even though there was no absolute rule, courts were bound to grant patent injunctions "in all but the very rare case."

Justice Scalia said that once a court issues an injunction, companies can negotiate a license for a patented technology, allowing the free market to determine how much they are willing to pay.

"I'm not sure you're going to get ... the kind of wide-ranging allowance you seek," Scalia told Phillips.

EBay shares were trading up 51 cents, or 1.3 percent, to $39.38 in late afternoon trading on Nasdaq. A ruling in the case is expected by the end of June.