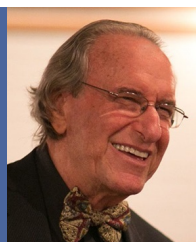


2012 FEDERAL CIRCUIT PATENT RULINGS



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Like 2011, 2012 was an extremely busy year for the US Court of Appeals for the Federal Circuit (the US 'Patent court'). The court heard dozens of patent-related appeals from lower US district courts and the US Patent and Trademark Office (USPTO), with far-reaching consequences for inventors, patent practitioners, and various industries.

In many of the decisions in these appeals, the court overturned or vacated, in whole or in part, the decision of the district court or USPTO, granting a win to the appellant. The following, arranged in chronological order, summarises representative Federal Circuit precedential decisions rendered over the past year, which have been grouped into appellant 'victories' and 'losses'. The Federal Circuit affirmed more district court decisions than it reversed. The reader is encouraged to visit the Federal Circuit Website <http://www.cafc.uscourts.gov> to view the decisions' language and the court's reasoning.

Appellant victories

- Affirmed a Texas district court decision granting summary judgment against defendant re antitrust claim in *IGT v Alliance Gaming Corp.*
- Affirmed a Texas district court decision, finding non-infringement for Intel in *Intel v Negotiated Data Solutions.*
- Affirmed a Delaware district court decision, finding infringement against all defendants in *Astrazeneca v Aurobindo.*
- Affirmed a Virginia district court decision, transferring the case to the 4th Circuit, in *Corr v Metro Washington Airports.*
- Affirmed a Texas district court decision remanding the case re sanctions, in *Raylon v Compus Data Innovations.*
- Affirmed a district court decision in Virginia, affirming finding of non-infringement in *Pregis Corp v Kappos.*
- Affirmed a district court decision in Illinois, barring Cummins for *res judicata*, in *Cummins v Tas Distributing.*
- Affirmed a Virginia district court decision, affirming patent invalidity, in *The Fox Group v Cree.*
- Affirmed a Minnesota district court decision, dismissing the complaint, in *Superior Industries v Thor Global Enterprises.*
- Affirmed an International Trade Commission (ITC) decision, finding no violations in *Norgren v ITC.*
- Affirmed a Delaware district court decision, affirming validity and infringement in *Edwards Lifesciences v Corevalve.*
- Affirmed a Florida district court decision, affirming invalidity, in *Voter Verified v Premier Election Solutions.*
- Affirmed a Maryland district court decision, affirming non-infringement in *Technology Patents v T-Mobile (UK).*
- Affirmed a Delaware district court infringement decision in *Energy Transportation Group v William Dement Holding.*
- Affirmed a Wisconsin district court decision vacating summary judgment of non-infringement in *Sandisk Corp v Kingston Technology.*
- Affirmed a Texas district court decision of infringement and validity in *Pozen v Par Pharmaceutical.*
- Affirmed a Pennsylvania district court decision dismissing a declaratory judgment action in *Matthews International v Biosafe Engineering.*
- Affirmed a district court finding of obviousness in *Outside the Box Innovations v Travel Caddy.*
- Affirmed a Utah district court decision of validity and wilful infringement in *K-Tec v Vita-Mix.*
- Affirmed a Texas district court decision of non-infringement in *Mirror Worlds v Apple.*
- Affirmed a Florida district court decision of patent invalidity in *Woods v Deangelo Marine.*
- Affirmed a Delaware district court decision of patent validity in *Eli Lilly v Teva Parenteral Medicines.*
- Affirmed a Wyoming district court decision of dismissal in *AFTG-TG v Nuvoton Technology.*

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- Affirmed a California district court decision of validity and infringement in *Greenliant Systems v Xicor*.
- Affirmed a Connecticut district court decision of infringement in *Whitserve v Computer Packages*.
- Affirmed a Delaware district court decision of invalidity in *Magsil v Hitachi*.
- Affirmed an Indiana district court decision of validity in *Alcon Research v Apotex*.
- Affirmed a Texas district court decision enhanced damages in *Highmark v Allcare*.
- Affirmed a California district court non-infringement decision in *Grober v Mako Products*.
- Affirmed a Missouri district court invalidity decision in *Bancorp Services v Sun Life*.
- Affirmed a New York district court grant of sanctions in *Rates Technology v Hicks*.
- Affirmed a Florida district court grant of sanctions in *Orenshiteyn v Citrix Systems*.
- Affirmed a Wyoming district court shop right decision in *Preston v Marathon Oil*.
- Affirmed an ITC decision of non-infringement in *GE v ITC*.
- Affirmed an Illinois district court decision of non-infringement in *WM Wrigley v Cadbury*.
- Affirmed a New Jersey district court validity decision in *Otsuka Pharma v Sandoz*.
- Affirmed a California district court non-infringement decision in *Mintz v Dietz & Watson*.
- Affirmed an Ohio district court infringement decision—*In re Bill of Lading*.
- Affirmed a Georgia district court contempt decision in *Merial v Cipla*.
- Affirmed a New Jersey district court validity decision in *Otsuka Pharma v Sandoz*.
- Affirmed a New Jersey district court summary judgment in *Minkin v Gibbons*.
- Affirmed a Delaware district court invalidity decision—*In re Cyclobenzaprine*.
- Affirmed a Texas district court dismissal in *USPPS v Avery Dennison*.
- Affirmed a New York district court dismissal in *Bayer Schering Pharma v Lupin*.
- Affirmed a Delaware district court non-infringement decision in *Dey Pharma v Sunovion*.
- Affirmed an Arizona district court enhanced damages decision in *Bard Peripheral Vascular v W.L. Gore*.
- Affirmed a Pennsylvania district court invalidity decision in *Noah Systems v Intuit*.
- Affirmed a Delaware district court invalidity and non-infringement decision in *Aventis Pharma v Hospira*.
- Affirmed a Maine district court non-infringement decision in *Ergo Licensing v Carefusion 303*.
- Affirmed a New Hampshire district court infringement decision in *Marine Polymer Technologies v Hemcon*.
- Affirmed a Delaware district court infringement decision in *Astrazeneca v Apotex*.
- Affirmed a Texas district court non-infringement decision in *Mettler-Toledo v B-Teck Scales*.
- Affirmed an Ohio district court validity decision in *Falana v Kent State*.

Appellant losses

- Reversed a California district court decision favourable to Osram, reversing an invalidity finding, in *Osram Sylvania v American Induction Technologies*.
- Reversed a Texas district court decision, denying rehearing in *Highmark v Allcare Health Management Systems*.

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- Reversed a district court decision in *Deere v Bush Hog*, vacating a declaratory judgment of non-infringement against Deere.
- Reversed a Delaware district court decision, reversing an invalidity decision, in *Arcelormittal France v AK Steel Corp.*
- Reversed a Vermont district court decision, reversing a preliminary injunction in *Revision Military v Balboa*.
- Reversed a Virginia district court decision, reversing an infringement decision, in *Victor Stanley v Creative Pipe*.
- Reversed a Texas district court decision, reversing patent invalidity, in *Transocean Offshore Deepwater Drilling v Maersk Drilling*.
- Reversed a Texas district court decision, reversing summary judgment of estoppel, in *Hor v Chu*.
- Reversed a Board of Patent Appeals and Interferences decision, vacating a rejection in *In re Abbott Diabetes Care*.
- Reversed a Delaware district court decision of invalidity in *Santarus v Par Pharmaceutical*.
- Reversed a Massachusetts district court decision of inducing infringement in *Akamai Technologies v Limelight Networks*.
- Reversed a Texas district court decision of infringement in *Laserdynamics v Quanta Computer*.
- Reversed a Virginia district court decision of infringement in *Activevideo Networks v Verizon Communications*.
- Reversed an ITC ruling of invalidity in *Amkor Technology v ITC*.
- Reversed a New York district court decision non-patentability in *Aracoma Coal v US*.
- Reversed an Illinois district court decision of infringement in *Meyer Intellectual Properties v Bodum*.
- Reversed a Texas district court decision of invalidity in *Kinetic Concepts v Smith & Nephew*.
- Reversed a Massachusetts district court preliminary injunction in *Momenta v Amphastar*.
- Reversed an ITC finding of non-infringement in *Interdigital v ITC*.
- Reversed a Virginia district court non-infringement decision in *01 Communique Laboratory v Logmein*.
- Reversed and modified a Michigan district court injunction in *Novo Nordisk v Caraco Pharma*.
- Reversed a California district court grant of sanctions in *Wi-Lan v LG*.
- Reversed a Delaware district court preliminary injunction in *Sciele Pharma v Lupin*.
- Reversed a Texas district court decision regarding attorneys' fees in *Bywaters v US*.
- Reversed an Arizona district court finding of wilful infringement in *Bard Peripheral Vascular v W.L. Gore*.
- Reversed a California district court preliminary injunction in *Apple v Samsung*.
- Reversed the Board of Patent Appeals and Interferences claim rejection—*In re Youman*.
- Reversed a district court decision, granting a new trial in *Leader Technologies v Facebook*.
- Reversed an Illinois district court non-infringement decision in *Chicago Board of Options Exchange v International Securities Exchange*.
- Reversed a California district court damages decision in *Landmark Screens v Moran Lewis*.
- Reversed a New York district court non-infringement decision in *Advanced Fiber Technologies v J&L Fiber*.
- Reversed a Florida district court non-infringement decision in *Aspex Eyewear v Marchon Eyewear*.
- Reversed a Virginia district court non-infringement decision in *Digital-Vending v Univ of Phoenix*.
- Reversed a Texas district court attorney fees decision in *Bywaters v US*.
- Reversed a Texas district court validity decision in *Clearvalue v Pearl River*.
- Reversed a New Jersey district court non-infringement decision in *Thorner v Sony*.
- Reversed a District of Columbia district court invalidity decision in *HTC v Ipcor*.
- Reversed an Illinois district court validity decision in *Krippelz v Ford Motor*.

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Paul J. Sutton, with a juris doctor degree, an 'AV Preeminent' highest Martindale-Hubbell rating, and four decades of IP law counselling and litigation strategy experience, was honoured by *Super Lawyers* magazine, and is listed in Strathmore's *Who's Who*. He is adjunct professor of law at the Polytechnic Institute of New York University. Prior to practising law, while an engineer at Douglas Aircraft's Missiles & Space Systems Division, he was a member of the team that designed the Apollo Saturn third-stage booster rocket structure, which carried the first US astronauts to the Moon.