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## Federal Circuit Overturns \$49 Million Verdict Against Call Company

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Late last month WilmerHale lawyers got a big win for Targus Information Corporation in a patent suit involving technology used to route calls to toll-free numbers. The US Court of Appeals for the Federal Circuit vacated the \$49 million damages award stemming from a patent suit filed by 800 Adept. The Federal Circuit reversed the district court's claim construction and rulings on other issues.

WilmerHale co-managing partner [Bill Lee](#) argued the appeal. Also on the team were litigation partners [Lisa Pirozzolo](#) and [Paul Wolfson](#) and associate [Megan Barbero](#).

800 Adept filed the suit in 2002 in the US District Court for the Middle District of Florida. WilmerHale began representing Targus after a Florida jury found that Targus willfully infringed 800 Adept's patents and engaged in tortious interference by asserting its own patents against the plaintiff's customers. After the six week trial, the District Court issued a permanent injunction and awarded enhanced damages resulting in a judgment against Targus of \$49 million.

But the Federal Circuit Court disagreed. The Court found that the District

Court erred and reversed the judgment of infringement as well as the judgment of tortious interference. As a result, the Federal Circuit vacated the injunction and the entire \$49 million damages award.

"Under the correct claim construction, no reasonable jury could find that Targus infringes the asserted claims of Adept's patents," Senior Circuit Judge Plager wrote for the panel, which included Judges Gajarsa and Dyk. "In light of these determinations, we vacate the trial court's damages award, the permanent injunction, and the judgment with respect to willfulness, enhanced damages and attorney fees."