
Federal Circuit Patent Updates - April 2005

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Gillette Company v. Energizer Holdings, Inc. (No. 04-1220) (Michel, Archer, Rader)

April 29, 2005 9:19 AM

(Rader) Vacating denial of preliminary injunction because of erroneous claim construction. A patent claim reciting a razor with 3 blades could be infringed by a razor with 4 blades. Archer dissents.

Hoffer v. Microsoft, et al. (No. 04-1103) (Newman, Bryson, Dyk)

April 22, 2005 9:13 AM

(Per curiam) Affirming summary judgment of noninfringement but reversing summary judgment of invalidity for indefiniteness. A "whereby" clause in a patent claim was a limitation. A typographical error in a claim does not render the claim indefinite. "When a harmless error in a patent is not subject to reasonable debate, it can be corrected by the court, as for other legal documents." Newman concurs but say the court should have reviewed all of the district court's claim construction, not just that concerning one dispositive claim limitation.

Space Systems/Loran v. Lockheed Martin (No. 04-1501) (Michel, Newman, Gajarsa)

April 20, 2005 8:45 AM

(Newman) Reversing summary judgment of invalidity for violation of the written description requirement. The specification described the limitations of the claim.

Bowling v. Hasbro, Inc. (04-1364) (Michel, Gajarsa, Linn)

April 11, 2005 8:41 AM

(Linn) Reversing district court dismissal of complaint with prejudice because of delay in service. Ninth Circuit law applied.

Nazomi Communications, Inc. v. Arm Holdings, PLC, et al. (04-1101) (Michel, Rader, Prost)

April 11, 2005 8:39 AM

(Prost) Vacating summary judgment of non-infringement where the district court did not construe the disputed claim terms in sufficient detail for appellate review. "In reviewing a district court's claim construction, this Court takes into account the views of the trial judge... 'common sense dictates that the trial judge's views will carry weight.'"

Chimie, et al. v. PPG Industries, Inc. (04-1346) (Newman, Clevenger, Gajarsa)

April 11, 2005 8:38 AM

(Gajarsa) Affirming district court's claim construction on summary judgment but concluding that there was conflicting evidence over whether one of the accused products infringed claims directed to silica particulates and their process of manufacture. The district court did not abuse its discretion in excluding evidence as untimely. An amendment to the claims made to distinguish over the prior art that was not tangential and therefore barred infringement under the doctrine and equivalents.

Smithkline Beecham Corp., et al. v. Apotex Corp., et al. (03-1285, 1313) (Rader, Bryson, Gajarsa)

April 8, 2005 2:05 PM

(Rade) The Court en banc vacated a prior panel opinion holding a claim to paroxetine hydrochloride anhydrate invalid in light of a prior public use which was not experimental in nature. In its modified opinion, the panel invalidated the claim again based on inherent anticipation by an earlier patent.

Nellcor Puritan Bennett, Inc., et al. v. Masimo Corp. (04-1247) (Newman, Bryson, Dyk)

April 8, 2005 8:35 AM

(Bryson) Reversing summary judgment of non-infringement of patents directed to measuring oxygen in blood where the district court improperly construed the claims.

Teva Pharmaceuticals USA v. Pfizer, Inc. (04-1186)

April 4, 2005 2:01 PM

The court denied a petition for rehearing en banc concerning when a generic drug manufacturer can bring a declaratory judgment action under the Hatch-Waxman Act. Gajarsa and Dyk dissented.