
Federal Circuit Patent Updates - February 2011

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Siemens Medical Solutions USA, Inc. V. Saint-Gobain Ceramics & Plastics, Inc. (2010 1145)
(Lourie, Linn, Prost)

February 24, 2011 2:18 PM

(Lourie) Affirming denial of JMOL and new trial and jury verdict of infringement under the doctrine of equivalents, but vacating the district court's reduction of the jury's award of damages and remanding for consideration of additional damages. The burden of proving infringement under the doctrine of equivalents is not increased where the accused product is separately patented. Damages would be owed on infringing products made but not sold. Prost dissents.

A full version of the text is available [here](#).

Hologic, Inc. V. SenoRx, Inc. (2010 1235) (Newman, Friedman, Lourie)

February 24, 2011 2:15 PM

(Lourie) Reversing summary judgment and judgment after jury verdict of invalidity for anticipation because of erroneous claim construction. Although a limitation was not "explicitly stated" in the asserted claim, the claim should nonetheless be construed to contain that limitation because of what the specification "consistently and exclusively shows" and "clearly what the inventors ... conceived of." Friedman dubitante.

A full version of the text is available [here](#).

Centocor Ortho Biotech, Inc. V. Abbott Laboratories (2010 1144) (Bryson, Clevenger, Prost)

February 23, 2011 2:07 PM

(Prost) Reversing denial of JMOL and jury verdict because the asserted claims were invalid for failure to meet the written description requirement. Later-filed claims to fully human antibodies were not adequately described in the original patent application.

WilmerHale represented the defendant/appellant Abbott.

A full version of the text is available [here](#).

***In Re Katz Interactive Processing Patent Litigation* (2009 1450, 1451, 1452, 1468, 1469, 2010 1017) (Newman, Lourie, Bryson)**

February 18, 2011 8:11 AM

(Bryson) The district court did not deprive the plaintiff of due process in requiring it to select claims and in refusing to sever and stay the plaintiff's cause of action on unselected claims unless the plaintiff could show that the unselected claims presented unique issues. On the merits, the Court affirmed in part and reversed in part a finding of indefiniteness of means plus function claims where the only disclosed structure was a general purpose computer. The Court also affirmed a finding of indefiniteness of claims that required a method step in an apparatus claim. Also affirming finding of invalidity based on obviousness and failure to comply with the written description requirement and affirming finding of non-infringement with respect to some defendants.

A full version of the text is available [here](#).