
Federal Circuit Patent Updates - January 2006

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Summit Technology, Inc. v. Nidek Co., LTD, et al. (No. 05-1292) (Rader, Bryson, Gajarsa)

January 26, 2006 2:00 PM

(Bryson) Vacating part of costs award. The cost of a trial consultant for preparation of computer animations and graphics was not taxable.

Energizer Holdings v. International Trade Commission (No. 05-1018) (Newman, Archer, Schall)

January 25, 2006 1:58 PM

(Newman) Reversing holding of invalidity for indefiniteness. A technical lack of antecedent basis for a claim term did not render the claim indefinite. "When the meaning of the claim would reasonably be understood by persons of ordinary skill when read in light of the specification, the claim is not subject to invalidity upon departure from the protocol of antecedent basis'."

Applied Medical Resources Corp. v. United States Surgical Corp. (No. 05-1149) (Lourie, Rader, Linn)

January 24, 2006 1:56 PM

(Lourie) Affirming judgment of willful infringement and damages award. The patentee was not bound as a matter of collateral estoppel by the reasonable royalty rate found in a prior litigation between the parties over the same patent, because the infringements at issue began at different times. The jury finding of willful infringement in the prior litigation was relevant and admissible on the issue of willfulness in the second litigation.

Union Carbide Chemicals & Plastics Technology Corp. v. Shell Oil Co. (No. 04-1475) [Order]

January 10, 2006 1:54 PM

Denying motion for rehearing en banc on whether infringement under Section 271(f) applied to

process claims. Lourie, Michel, Linn and Dyk dissented.

***Aspex Eyewear, Inc., et al. v. Miracle Optics, Inc, et al.* (No. 04-1265) (Lourie, Archer, Gajarsa)**

January 10, 2006 1:52 PM

(Lourie) Reversing dismissal of action for lack of standing. The plaintiff did not transfer all the attributes of ownership of the patent.

***Ncube Corp. (now C-Cor, Inc.) v. Seachange International, Inc.* (No. 03-1341) (Rader, Friedman, Dyk)**

January 9, 2006 1:50 PM

(Rader) Affirming jury verdict of literal infringement, willfulness, and indirect infringement and district court's JMOL vacating the jury's verdict of infringement under the doctrine of equivalents. Also affirming award of double damages and attorneys fees. The patent-in-suit was directed to "Method and Apparatus for Scalable, High Bandwidth Storage Retrieval and Transportation of Multimedia Data on a Network." Dyk dissented on an issue of claim construction.

***Lizardtech, et al. v. Earth Resource Mapping, et al.* (No. 05-1062) [Revised Order]**

January 5, 2006 1:47 PM

Denying motion for rehearing en banc on written description issue. Rader joined by Gajarsa dissented. Lourie joined by Michel and Newman wrote separately to emphasize that CAFC law is clear that there is a separate written description requirement.

***Fieldturf International, Inc., et al. v. Sprinturf, Inc., et al.* (No. 04-1553) (Newman, Schall, Dyk)**

January 5, 2006 1:45 PM

(Newman) Affirming holding of noninfringement, reversing holdings of no intentional interference with economic advantage and unfair competition, and vacating an award of attorney fees. The defendant's offer to sell was not of the patented artificial turf product.

***In re Scott E. Johnston* (No. 05-1321) (Michel, Newman, Bryson)**

January 3, 2006 1:44 PM

(Newman) Affirming Board decision of obviousness. "An explicit teaching that identifies and selects elements from different sources and states that they should be combined in the same way as the invention at issue, is rarely found in the prior art."