Federal Circuit Patent Updates - July 2006

JULY 31, 2006

Eolas Technologies, Inc., et al. v. Microsoft Corp. **(No. 06-1238) (Rader, Plager, Prost)**

July 28, 2006 3:51 PM

(Rader) Holding that, following remand, Seventh Circuit law required case to be reassigned to a new district court judge.

Syngenta Seeds, Inc., et al. v. Delta Cotton Co-Operative, Inc. **(No. 05-1507) (Rader, Schall, Gajarsa)**

July 28, 2006 3:46 PM

(Gajarsa) Reversing judgment under Plant Variety Protection Act.

Louisville Bedding Company v. Pillowtex Corporation **(No. 05-1595) (Lourie, Shall, Prost)**

July 25, 2006 3:43 PM

(Lourie) Refusing to vacate judgment under Rule 60(b) entered into pursuant to settlement agreement based on "exceptional or extraordinary circumstances" (defendant went out of business).

Regents of the University of California v. University of Iowa Research Foundation **(No. 05-1374) (Rader, Bryson, Linn)**

July 17, 2006 3:40 PM

(Rader) Affirming dismissal of interference based on 35 U.S.C. 135(b)(1) requiring claim that is "substantially the same subject matter" as a claim of an issued patent to be made within one year of issuance of patent.

Intel v. Commonwealth Scientific and Industrial Research Organisation Microsoft v. Commonwealth Scientific and Industrial Research Organisation **(No. 06-1032) (Michel, Plager, Bryson)**

July 14, 2006 3:36 PM

(Michel) Rejecting sovereign immunity defense under Foreign Sovereign Immunity Act based on "commercial activity" exception. The defendant-patentee to the declaratory judgment action had engaged in licensing negotiations.

Flex-Rest, LLC v. Steelcase, Inc. **(No. 05-1354) (Bryson, Linn, Prost)**

July 13, 2006 3:34 PM

(Linn, J) Affirming summary judgment of non-infringement, jury verdict of invalidity based on anticipation and obviousness and finding of no inequitable conduct. Because there was no genuine issue concerning abandonment or suppression of prior art keyboard tray system, the district court was correct in not instructing the jury on that issue.

LG Electronics, Inc. v. Bizcom Electronics, Inc., et al. **(No. 05-1261) (Michel, Newman, Mayer)**

July 7, 2006 3:31 PM

(Mayer) Refusing to find an implied license or patent exhaustion with respect to product and method claims were sale expressly disclaimed any license extending to use of products with non-Intel products. Finding disputed issue of fact with respect to whether defendant came within class of parties protected by a covenant not to sue. Interpreting "a CPU and a partitioned memory system" as having sufficient structure to no constitute a means-plus function claim. Reversing district court's application of all-elements rule: an issue of fact existed over whether performing some write requests would satisfy a claim limitation requiring "all" write requests under the doctrine of equivalents. The Court also interpreted numerous claim limitations.