
Federal Circuit Patent Updates - May 2008

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Cat Tech. LLC. v. TubeMaster Inc. (No. 07-1443) (Mayer, Schall, Young)

May 28, 2008 9:26 AM

(Mayer) Affirming finding of declaratory judgment jurisdiction. MedImmune did not change the second prong of the Federal Circuit's declaratory judgment test. The plaintiff still must demonstrate that it has taken significant, concrete steps to conduct infringing activity so that the dispute will be both "immediate" and "real." The Court also affirmed the district court's claim construction.

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

Golden Bridge Tech. Inc. v. Nokia Inc. (No. 07-1215) (Michel, Newman, Moore)

May 21, 2008 9:23 AM

(Moore) Affirming summary judgment that patent direct to mobile communications was anticipated. The Federal Circuit would not consider an argument directed to a supposed missing element in the prior art reference that was not presented to the district court.

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

Mangosoft Inc. v. Oracle Corp. (No. 2007-1250) (Michel, Linn, Prost)

May 14, 2008 9:18 AM

(Linn) Affirming summary judgment of noninfringement. Referring to dictionaries in construing a claim "is not prohibited so long as the ultimate construction given to the claims in question is grounded in the intrinsic evidence and not based upon definitions considered in the abstract."

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

E.I. Du Pont de Nemours & Co. v. MacDermid Printing Solutions, L.L.C. (No. 2007-1568) (Michel,

Prost, Pogue [of the CIT, sitting by designation])

May 14, 2008 9:14 AM

(Michel) Vacating denial of preliminary injunction that was based on an erroneous conclusion regarding the priority date of a patent and remanding for further proceedings. The patent was entitled to the filing date of a provisional application.

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

***Aventis Pharma S.A. v. Amphastar Pharmaceuticals Inc.* (No. 2007-1280) (Rader, Prost, Moore)**

May 14, 2008 9:07 AM

(Prost) Affirming holding of inequitable conduct. Rader, J., dissents, saying "my reading of our case law restricts a finding of inequitable conduct to only the most extreme cases of fraud and deception."

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

***Acumed LLC. v. Stryker Corp.* (No. 2007-1115) (Newman, Gajarsa, Linn)**

May 13, 2008 9:02 AM

(Gajarsa) Reversing judgment that infringement suit was precluded by a prior infringement suit between the parties. "[C]laim preclusion does not apply unless the accused device in the action before the court is 'essentially the same' as the accused device in a prior action between the parties that was resolved on the merits." "[C]laim preclusion does not bar a claim merely because it could have been raised in a prior action between the parties that was resolved by a final judgment on the merits."

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

***Lucent Tech. Inc v. Gateway, Inc.* (No. 2007-1334) (Lourie, Linn, Prost)**

May 8, 2008 8:56 AM

(Prost) Affirming summary judgment of noninfringement of one patent but vacating summary judgment of noninfringement of another patent because of erroneous claim construction that limited the term "terminal device" to a device that manages its associated display itself. "[W]here we conclude that the claim language is unambiguous, we have construed the claims to exclude all disclosed embodiments."

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

***Solomon Tech. Inc. v. International Trade Commission* (No. 2007-1391) (Lourie, Rader, Bryson)**

May 7, 2008 8:48 AM

(Bryson) Affirming no violation of section 337 based on noninfringement. Finding a disclaimer in the prosecution history. 2:56:14 PM

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

Decisioning.com Inc. v. Federated Dept. Stores Inc. (No. 2007-1277)

May 7, 2008 8:34 AM

(Per Curiam) Affirming in part and vacating in part summary judgment of noninfringement. Construing claim term "remote interface" not to encompass consumer-owned personal computers based on the specification. Linn, J. concurs in part and dissents in part. WilmerHale represented the HSBC appellees.

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

PSN Illinois LLC. v. Ivoclar Vivadent, Inc. (No. 2007-1512) (Michel, Linn, Prost)

May 6, 2008 3:16 PM

(Michel) Affirming summary judgment of noninfringement even though district court's claim construction was incorrect. All claims of a patent do not need to be constructed to cover all embodiments disclosed in the patent; some disclosed embodiments may relate to allowed but unasserted claims or to claims that were cancelled.

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