

## Federal Circuit Patent Updates - November 2005

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***Pfizer, Inc., et al. v. Teva Pharmaceuticals USA, Inc., et al. (No. 05-1531)(Newman, Rader, Prost)***

November 22, 2005 2:41 PM

(Prost) Affirming grant of a preliminary injunction against infringement. "[B]efore unclaimed subject matter is deemed to have been dedicated to the public, that unclaimed subject matter must have been identified by the patentee as an alternative to a claim limitation." Irreparable harm was found even though the patentee had granted "a narrow, exclusive license" to the patent in another field. "[A]n alleged infringer's loss of market share and customer relationships, without more, does not rise to the level necessary to overcome the loss of exclusivity experienced by a patent owner due to infringing conduct." The public interest in "selling a lower priced product does not justify infringing a patent."

***IPXL Holdings, L.L.C. v. Amazon.com, Inc. (No. 05-1009)(Clevenger, Rader, Schall)***

November 21, 2005 2:39 PM

(Clevenger) Affirming summary judgment of invalidity but reversing award of attorney fees where the motion for fees was not timely filed. On an issue of first impression, a patent claim that "recites both a system and a method for using that system" is indefinite and invalid.

***Microstrategy, Inc. v. Business Objects, S.A., et al. (No. 04-1572)(Newman, Archer, Rader)***

November 17, 2005 2:37 PM

(Rader) Affirming summary judgment of noninfringement and affirming in part and reversing in part dismissal of state law claims.

***Symbol Tech. v. Lemelson Med., Ed. & Res. Found. (No. 04-1451)(en banc)***

November 16, 2005 2:29 PM

Precedential Order extending the holding of invalidity of certain of Lemelson's patents to all 14

asserted patents.

***Dorel Juvenile Group, Inc. v. Graco Children's Products, Inc. (No. 05-1026) (Clevenger, Gajarsa, Newman)***

November 7, 2005 2:24 PM

(Clevenger) Reversing summary judgment of non-infringement of patent directed to car seat because the "district court . . . invaded the province of the finder of fact, here a jury requested by Dorel, in deciding the infringement question." The claim required car seat to have two separate parts, a "seat" and a "base." The factual issue to be decided was whether the "top structure is capable of functioning as a "seat" upon being removed from the bottom structure."