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## Federal Circuit Patent Updates - November 2009

NOVEMBER 30, 2009

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***Lucent v. Gateway (No Opinion)***

November 23, 2009 11:13 AM

Denying (without opinion) petition for rehearing en banc where Microsoft asked the CAFC to "overrule its precedents requiring clear and convincing evidence of invalidity when the PTO did not consider the asserted prior art."

***Iovate Health Sciences, Inc. v. Bio-Engineered Supplements & Nutrition, Inc. (Mayer, Lourie, Prost)***

November 19, 2009 11:09 AM

(Lourie) Affirming summary judgment of invalidity under 35 USC 102(b) because the claimed invention (a use of nutritional supplements) was disclosed in a printed publication (a magazine advertisement) before the critical date. Mayer, concurred.

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

***Tafas v. Kappos (Michel, Newman, Mayer, Rader, Bryson, Gajarsa, Linn, Dyk, Prost, and Moore)***

November 13, 2009 11:06 AM

(Michel) Granting motion to dismiss appeal and denying motion to vacate district court's grant of summary judgment and injunction. Dismissal of the appeal was proper because the USPTO rescinded the rules that formed the basis of the litigation.

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

***Imation Corp. v. Koninklijke Philips Electronics N.V. (Bryson, Gajarsa, St. Eve [of the Northern District of Illinois, sitting by designation])***

November 3, 2009 11:01 AM

(St. Eve) Reversing judgment on the pleadings in a license dispute and remanding. License extended to subsidiaries acquired after expiration of the license agreement.

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