
Federal Circuit Patent Updates - October 2010

OCTOBER 31, 2010

[View previous month...](#)

1st Media, LLC. v. Electronic Arts, Inc. [Order] (2010-1435, 10/28/10) (Schall)

October 28, 2010 11:25 AM

Schall, J. Granting motion to stay pending disposition of Therasense v. Becton, Dickinson & Co.

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

Colida v. Sony Ericsson Mobile Communications (USA), Inc. [order] (2010-1374, 10/26/10) (Linn, Dyk, Prost)

October 26, 2010 11:17 AM

Per Curiam. Granting motion to dismiss appeal as frivolous, denying motion for sanctions, and awarding costs.

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

Solvay S.A. v. Honeywell International, Inc. (No. 2009-1161, 10/13/10) (Dyk, Mayer, Schall)

October 13, 2010 1:56 PM

(Schall) Reversing judgment of invalidity because of alleged prior invention, but affirming infringement determinations. Under 35 U.S.C. § 102(g)(2), a party in this country who received the invention from other people abroad and then reproduced it in this country according to their instructions was not an "inventor" of the claimed invention. Reproducing an invention conceived and reduced to practice abroad in this country "cannot be conception"[O]riginality is ... inherent to the notion of conception."

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

Global-Tech Appliances Inc. v. SEB SA

October 12, 2010 8:57 AM

The Supreme Court has granted certiorari to consider the intent requirement for induced infringement. The question presented is:

Whether the legal standard for the state of mind element of a claim for actively inducing infringement under 35 USC 271(b) is "deliberate indifference of a known risk" that an infringement may occur, as the Court of Appeals for the Federal Circuit held, or "purposeful, culpable expression and conduct" to encourage an infringement, as this Court taught in *MGM Studios, Inc. v. Grokster, Ltd.*, 545 U.S. 913, 937 (2005)?

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

***Teva Pharmaceuticals USA, Inc. v. Eisai Co., Ltd.* (Rader, Dyke, Prost)**

October 6, 2010 8:38 AM

(Prost)The district court erred in dismissing a declaratory judgment action in a Hatch-Waxman Act proceeding. The subsequent Paragraph IV filer had a legally cognizable interest in when the first-filer's exclusivity period began sufficient to create constitutional standing notwithstanding the existence of a preliminary injunction barring sale of the generic drug based on another patent. Although the district court retained discretion to decline jurisdiction, it erred in exercising its discretion.

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