



LexisNexis®

Lexis® Legal News

## Mealey's® Litigation Report: Intellectual Property

**Mealey's Litigation Report: Intellectual Property** covers all areas of intellectual property litigation, including copyright, patent, trademark, trade dress, trade secret, and unfair competition disputes, both in courts and before administrative bodies. Coverage also includes issues related to the Internet, disputes over insurance coverage for intellectual property suits and appellate review of rulings by the Trademark Trial and Appeal Board (TTAB) and the Patent Trial and Appeal Board (PTAB).

### Litigation Snapshot

As innovation evolves so, too, does the legal landscape for intellectual property. Advances in computing technology, medical breakthroughs, and the expansion of digital rights have all pushed the boundaries of longstanding intellectual property statutes, prompting Congress to pass new laws that keep pace with the changing times. With the U.S. Supreme Court consistently weighing in on a variety of intellectual property-related matters, including the availability of attorney fees, enhanced damages, and the copyrightability of useful articles, much uncertainty still exists as courts arrive at differing interpretations.

### Who Needs To Know

- » Intellectual property attorneys
- » Corporate counsel
- » Judges and court staff across the entire U.S. federal judiciary
- » Professors, students, and library staff at every accredited law school in the U.S.

### Areas Of Coverage

- » Infringement claims
- » Fair use
- » Internet-related issues
- » Trade dress
- » Advertising injury
- » Attorney fees
- » Affirmative defenses
- » Trade secrets
- » Doctrine of equivalents
- » Patent validity
- » Copyrightability
- » Jurisdiction
- » New suits
- » Settlements
- » Enforceability

### How Lexis Legal News Can Help

**Mealey's Litigation Report: Intellectual Property** on Lexis Legal News and via email delivery features unbiased news stories, case summaries, attorney listings, and the PDFs of court and agency documents and regulations. Subscribers also receive expert commentary articles and email bulletins of breaking news. This valuable insight into current news and litigation trends helps subscribers to advise clients, prepare for trial, draft pleadings and briefs, develop case strategies, formulate arguments, and build compelling cases.

**TRY IT TODAY**

Request complimentary trial access at [www.lexislegalnews.com](http://www.lexislegalnews.com).

To order, contact your LexisNexis account representative or call 800.223.1940.



Sample Newsletter and Section News

From: Mealey's Intellectual Property <service@lexislegalnews.com> Sent: Fri 6/3/2016 3:06 PM  
 To: Jane.Doe@Firm.com  
 Cc:  
 Subject: Mealey's Litigation Report: Intellectual Property, June 6, 2016, Volume 24, Issue 17

**Lexis® Legal News**

**MEALEY'S INTELLECTUAL PROPERTY**

**Patents**

**Supreme Court Denies Certiorari In Dispute Over Patent Definiteness**  
 WASHINGTON, D.C. — An August 2015 ruling by the Federal Circuit U.S. Court of Appeals that relied upon the "change of law" exception to invalidate two patents as indefinite will stand, thanks to a May 23 denial of certiorari by the U.S. Supreme Court (Dow Chemical Co. v. Nova Chemicals Corp., No. 15-1160, U.S. Sup.).

**Supreme Court Denies Certiorari in Antibiotic Patent Dispute**  
 WASHINGTON, D.C. — A decision by a Delaware federal judge — later upheld by the Federal Circuit U.S. Court of Appeals — which invalidated four of five patents covering the antibiotic Cubicin will stand, thanks to a denial of certiorari on May 31 by the U.S. Supreme Court (Cubist Pharmaceuticals, Inc. v. Hospira, Inc., No. 15-1210, U.S. Sup.).

**Divided Federal Circuit Affirms Findings in WiFi Equipment Patent Case**  
 WASHINGTON, D.C. — A Texas federal judge properly construed the disputed term "communications path" as it appears in three patents directed to improved access to a local area network (LAN), a divided panel of the Federal Circuit U.S. Court of Appeals ruled May 31 (Ruckus Wireless Inc. et al. v. Innovative Wireless Solutions LLC, Nos. 15-1425, -1438, Fed. Cir., 2016 U.S. App. LEXIS 9786).

**Documents To Be Unsealed in 'Signal Abstracting' Patent Case Per EFF's Motion**  
 TYLER, Texas — In response to a motion by intervenor Electronic Frontier Foundation (EFF), a Texas federal magistrate judge on May 17 ordered certain documents in a patent infringement case over "signal abstracting" anti-piracy technology to be unsealed in light of the presumption of public access to court filings, while permitting the parties to submit redacted copies of the documents in question related to legitimate confidential material (Blue Spike LLC v. Audible Magic Corp., No. 6:15-cv-00584, E.D. Texas; 2016 U.S. Dist. LEXIS 63966).

**Federal Circuit Partly Reverses, Partly Affirms Patent Obviousness Ruling**  
 WASHINGTON, D.C. — A final written decision by the Patent Trial and Appeal Board (PTAB, or board) was only partly correct, the Federal Circuit U.S. Court of Appeals ruled May 18, reversing a determination by the PTAB that two claims of a motor mounting patent would have been obvious (Black & Decker Inc. v. Positec USA Inc., et al., Nos. 15-1646, -1647, Fed. Cir.).

SECTION HEADER

Links to the topical section of Lexis Legal News.

Lexis® Legal News Search News Advanced Search

**Mealey's Intellectual Property** Newsletter RSS

June 15, 2016  
**New Jersey Federal Judge Issues Injunction In Copyright Case**  
 TRENTON, N.J. — TD Bank N.A., which prevailed on allegations of copyright infringement in 2015, was granted a permanent injunction June 14 by a New Jersey federal judge (TD Bank N.A. v. Vernon W. Hill, No. 12-7188, D. N.J., 2016 U.S. Dist. LEXIS 77025).

June 14, 2016  
**Patent Board Grants Inter Partes Review Of Arthritis Treatment Patent**  
 ALEXANDRIA, Va. — A patented method of treating rheumatoid arthritis with anti-tumor necrosis factor a (anti-TNFa) combined with the anti-rheumatic drug methotrexate (MTX) is likely invalid, the Patent Trial and Appeal Board concluded June 13 (Cohensus Biosciences Inc. v. Abbvie Biotechnology Ltd., No. IPR2015-09189, PTAB).

June 14, 2016  
**2nd Circuit Amends Injunction In Trademark Dispute**  
 NEW YORK — Although agreeing with a New York federal judge that a trademark plaintiff is entitled to permanent injunctive relief, the Second Circuit U.S. Court of Appeals on June 13 found that the relief ordered is insufficient to protect the public from confusion going forward (Guthrie Healthcare System v. ContentMedia Inc. and Rishi Shah, Nos. 14-3343 & 14-3728, 2nd Cir.; 2016 U.S. App. LEXIS 10662).

June 14, 2016  
**Patent Board Invalidates 2 Patents Through Post-Grant Review Process**  
 ALEXANDRIA, Va. — For the first time, the Patent Trial and Appeal Board on June 13 used the post-grant review (PGR) process to determine that two patents are invalid and should not have been issued (American Simmental Association v. Leachman Cattle of Colorado LLC, Nos. PGR2015-00005, PGR2015-00003, PTAB).

June 13, 2016  
**Comcast, T-Mobile, Google Must Reply To Presuit Trade Secrets Discovery Petition**  
 PHILADELPHIA — Comcast Corp., T-Mobile USA Inc. and Google Inc. were ordered by a Pennsylvania federal judge on June 7 to respond to a transportation firm's verified petition seeking pre-action discovery related to learning the identity of an unknown individual that purportedly stole the firm's trade secrets (Ester Forwarding Worldwide LLC v. Comcast Corp., No. 2:16-mc-00132, E.D. Pa.).

June 13, 2016  
**6th Circuit Upholds Preliminary Injunction In Copyright Case**  
 CINCINNATI — A Tennessee federal judge did not abuse his discretion in preliminarily enjoining a karaoke recording distributor from using certain musical compositions belonging to Sony/ATV Publishing LLC and EMI Music Publishing Ltd., the Sixth Circuit U.S. Court of Appeals ruled June 9 (Sony/ATV Publishing LLC et al. v. 17299172 Ontario Inc., No. 15-6106, 6th Cir.; 2016 U.S. App. LEXIS 10592).

June 13, 2016  
**Federal Jury Awards Hookah Maker \$2 Million In Knockoff Sales Suit**  
 LOS ANGELES — A federal jury in California on June 9 awarded a hookah maker \$2 million after finding that a wholesale retailer was selling a copyrighted hookah without the maker's permission (Kaloud Inc. v. Shisha Land Wholesale Inc., No. 2:15-cv-3706, C.D. Calif.).

ARTICLE HEADLINE

Links to the full article, related stories, related documents and comments section.

Lexis® Legal News Search News Advanced Search

**Federal Circuit Partly Reverses, Partly Affirms Patent Obviousness Ruling**

start as on

(May 18, 2016, 1:20 PM ET) — WASHINGTON, D.C. — A final written decision by the Patent Trial and Appeal Board (PTAB, or board) was only partly correct, the Federal Circuit U.S. Court of Appeals ruled May 18, reversing a determination by the PTAB that two claims of a motor mounting patent would have been obvious. (Black & Decker Inc. v. Positec USA Inc., et al., Nos. 15-1646, -1647, Fed. Cir.)

(Decision available: Document #16-10006-0072)

The panel of Circuit Judges Alan D. Lourie, Raymond T. Chen and Kimberly A. Moore affirmed the PTAB's ruling as it relates to two other claims that were confirmed as not invalid under 35 U.S. Code Section 103(a), however:

Review history

Abstract in dispute in plaintiff Black & Decker Inc.'s U.S. patent no. 5,548,417, which relates to the mounting of a motor in the housing of a string trimmer. Pursuant to the patent claims, the motor makes no direct contact with the inner surface of the housing and is instead attached via a motor mounting plate assembly. "The assembly's plate member is then inserted into a groove that is formed on circumferentially about an exterior of each housing half," thereby holding the structure in place," the Federal Circuit noted.

Defendants Positec USA Inc. and RV Direct Inc. filed a petition for inter partes review (IPR) of the 417 patent, which was later instituted by the PTAB on several grounds. Specifically, the PTAB found that claims 7 and 10 of the 417 patent were invalid under 35 U.S. Code Section 103(a) in light of prior art identified as "Lumex" and "Black." Additionally, the PTAB indicated that claims 19 and 17 were also likely unpatentable under Section 103(a) in light of

Personalization  
 Documents  
 2 Documents  
 Related  
 Sections  
 Mealey's Intellectual Property  
 Mealey's Patents

