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Mealey's® Litigation Report: Patents

Mealey's Litigation Report: Patents covers the highly specialized area of patent litigation from the district courts to the Federal Circuit U.S. Court of Appeals, including review of agency rulings by the U.S. Patent and Trademark Office (USPTO). Topics include infringement, claim construction, Section 101, the America Invents Act, biotechnology issues, affirmative defenses, jurisdiction, discovery, and insurance coverage.

Litigation Snapshot

In recent years the Supreme Court has made its position clear – a district judge enjoys broad discretion to award enhanced damages and attorney fees in patent cases. As the effects of cases like Highmark Inc., Octane Fitness, Halo Electronics and Stryker Corp. reverberate throughout the lower courts, the potential for a big payout will do little to deter the filing of new patent infringement lawsuits. At the same time, the America Invents Act (AIA) ushered in a streamlined process for invalidating unmeritorious patents before the Patent Trial and Appeal Board (PTAB). Increasingly, companies and inventors are electing to avail themselves of these benefits – but with lingering uncertainty at the Federal Circuit regarding the deference owed to PTAB actions, the AIA itself could soon be contested before the Supreme Court.

Who Needs To Know

- » Patent litigators and patent agents
- » Corporate counsel
- » Staff of the Patent Trademark Office
- » 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

- » Claim construction
- » Prior art
- » Doctrine of equivalents
- » Infringement
- » Validity
- » Sovereign immunity
- » Patent misuse
- » Licensing
- » Biotechnology
- » Internet disputes
- » Role of juries
- » Insurance coverage
- » New complaints

How Lexis Legal News Can Help

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MEALEY'S PATENTS

Supreme Court

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.).

Infringement

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. 15-1425, Fed. Cir., 2016 U.S. App. LEXIS 9786).

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