

Our Latest Industry Insights

IP File

July 5, 2016

Litigation Financing Is Not Champerty: Delaware Confirms That Litigation Financing Is Here To Stay

By: Andrew Choung

On March 9, 2016, in *Charge Injection Technologies, Inc. v. E.I. Dupont De Nemours & Company*, C.A. No. 07C-12-134-JRL, the Superior Court of the State of Delaware issued a decision on a motion to dismiss for violating state champerty and maintenance laws. In 2008, plaintiff Charge Injection Technologies, Inc. (“CIT”) sued E.I. Dupont De Nemours & Company (“Dupont”) for various patent and trade secrets related infractions. During the course of the litigation, CIT entered into a litigation financing arrangement with Burford Capital LLC (“Burford”). Dupont sought to have the case dismissed, arguing in part that CIT was not the true owner of the claims and Burford was wielding de facto control over the lawsuit. The Court denied Dupont’s motion, finding that CIT had not assigned its claim to Burford, and Burford had no right to maintain, direct, control or settle the litigation. In denying the motion, the Court affirmed the propriety of litigation financing, and strongly dispelled many of the criticisms raised by those opposed to such arrangements.

TAGS: champerty, champerty and maintenance, CIT v. Dupont, ethical conflicts, frivolous litigation, Intellectual Property, Intellectual Property, legal ethics, Litigation, litigation financing, patent, patent case, patent claim, Patent Litigation, patent litigation

IP File

April 6, 2016

35 U.S.C. § 101 – If At First You Don’t Succeed, Try, Try Again

By: Rex Hwang

As most practitioners know, even a duly issued patent can be invalidated under 35 U.S.C. § 101 if the patent’s claims are directed to a “patent-ineligible concept,” such as an abstract idea. Yet, trying to anticipate whether a patent claim will actually be invalidated under § 101 remains as difficult as ever. The dispute between Global Cash Access, Inc. (“Global Cash”) and NRT Technology Corp. (“NRT”) involving U.S. Patent No. 6,081,792 (the “792 Patent”) is illustrative.

TAGS: federal court, Intellectual Property, Intellectual Property, Litigation, patent, patent act, patent case, patent claim, Patent Law, Patent Litigation, patent litigation, patent-eligible, PTAB, PTAB, USPTO

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March 16, 2016

Lexmark International, Inc. v. Impression Products, Inc. – The Latest on Patent Exhaustion

By: Steven Basileo

Summary

TAGS: Federal Circuit, federal court, Intellectual Property, Intellectual Property, Litigation, patent, patent case, patent claim, Patent damages, patent infringement, Patent Law, Patent Litigation, patent litigation, PTAB, PTAB, Supreme Court, U.S. Supreme Court

IP File

February 12, 2016

Slaying the Dragon: Understanding and Effectively Managing the Use of the Model Order on E-Discovery in Patent Cases

On February 11, 2016, Glaser Weil Partner, Mieke Malmberg, presented a one hour webinar sponsored by the State Bar of California on the use of the Federal Circuit's Model order on electronic discovery in patent cases.

TAGS: federal circuit, federal court, intellectual property, litigation, patent, patent case, patent claim, patent damages, patent infringement, ptab, uspto

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January 28, 2016

Glaser Weil Partner Mieke Malmberg Moderated a Panel for the AIPLA Mid-Winter Institute in La Quinta, CA

On January 27, 2016, Glaser Weil Partner, Mieke Malmberg, moderated a panel for the AIPLA Mid-Winter Institute in La Quinta, California.

TAGS: Copyrights, Intellectual Property, Intellectual Property, Litigation, Patent Litigation, Trade Secrets, Trademarks

IP File

November 17, 2014

Ultramercial Finally Strikes Out at the Federal Circuit

By: Rex Hwang

In its most recent decision in *Ultramercial, Inc. v. Hulu*, the Federal Circuit finally concluded that the claims-at-issue do not cover patent-eligible subject matter under 35 U.S.C. § 101. This comes after two prior decisions by the Federal Circuit reaching the opposite conclusion, and two orders from the U.S. Supreme Court instructing the Federal Circuit to reconsider those two decisions.

TAGS: Alice, Federal Circuit, Litigation, Patent Litigation, patent litigation, patent-eligible, section 101, Ultramercial, Write of Certiorari; Supreme Court

IP File

June 26, 2014

U.S. Supreme Court Issues Landmark Decision for Broadcast Television Industry: American Broadcasting Companies, Inc., et al., v. Aereo, Inc.

On June 25, 2014, the U.S. Supreme Court issued its long-awaited decision in *American Broadcasting Companies, Inc., et al., v. Aereo, Inc.* The case involves a lawsuit brought by ABC and other television producers, marketers, distributors, and broadcasters (collectively, "ABC") against Aereo, a company that offers broadcast television programming to subscribers via the Internet for a monthly fee.

TAGS: copyright & idea theft, intellectual property, intellectual property litigation; aereo, litigation, supreme court; public performance; us copyright act;

IP File

June 23, 2014

High Court Says Computerized Abstract Ideas Not Patent Eligible

By: Rex Hwang

In its highly anticipated decision in *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, the United States Supreme Court unanimously ruled that an abstract idea is not patentable simply because it is implemented on a computer.

TAGS: Alice Corp. Pty. Ltd., CLS Bank Int'l, electronic "shadow" accounts, Intellectual Property, Litigation, Patent Litigation, software patent case law, Supreme Court, Trial Practice Federal Circuit
