

IP File

The IP File's mission is to scour the universe for compelling stories in intellectual property law. In the United States, there are four main types of intellectual property protection available: patents, copyrights, trademarks and trade secrets.

October 20, 2015

The En Banc Federal Circuit in Akamai v. Limelight Broadens the Scope of Direct Infringement under Section 271(a)

By: Dan Liu

Recently, the Federal Circuit, for a second time this year, evaluated infringement of a method claim.[1] The Court, vacating the recent panel decision in May, outlined the governing framework for direct infringement of a method claim. It held that direct infringement occurs “where all steps of a claimed method are performed by or attributable to a single entity.”[2] This holding is significant because proving direct infringement of a method claim where steps of the method are performed by more than one party no longer requires the parties to be in principal-agent or contractual relationships, or joint enterprise, as demanded by the vacated panel decision.

TAGS: akamai technologies, direct infringement, Federal Circuit, Intellectual Property, Intellectual Property, limelight, patent claim, Patent Law, Patent Litigation, patent litigation, Section 271(a), Supreme Court, USPTO

May 19, 2015

Federal Circuit Reaffirms Single Entity Rule for Divided Infringement under Section 271(a) in Akamai, Making Method Claims Difficult to Enforce

By: Dan Liu

On May 13, 2015, the Federal Circuit issued the much-anticipated decision in *Akamai Technologies, Inc. v. Limelight Networks, Inc.* following a remand from the Supreme Court.[1] The Federal Circuit, in a 2-1 decision, held that “direct infringement liability of a method claim under 35 U.S.C. § 271(a) exists when all of the steps of the claim are performed by or attributed to a single entity[.]” This is consistent with its 2008 *Muniauction* decision, where the Federal Circuit first made clear that “direct infringement requires a single party to perform every step of a claimed method.”[2] The *Akamai* Court concluded that when “one party, acting as ‘mastermind’ exercises sufficient ‘direction or control’ over the actions of another,” the “single entity” requirement may be met and the direct infringement may be found. Sufficient direction or control may occur in a principal-agent relationship, a contractual arrangement, or a joint enterprise.

TAGS: 35 U.S.C. § 271(a), akamai technologies, Akamai Technologies Inc v Limelight Networks Inc, direct infrignment liability, Fed Cir, Inc., Intellectual Property, limelight, Muniauction Inc., Patent Litigation

June 10, 2014

The Supreme Court Overturns Two More Federal Circuit Decisions

By: Rex Hwang

In a continuing a pattern that has seemingly developed over the past several years, the Supreme Court recently overturned two more Federal Circuit decisions relating to key aspects of patent law.

TAGS: akamai technologies, biosig instruments, limelight networks, medtronic, nautilus, Octane Fitness, Patent Litigation, Supreme Court
