

Federal Circuit Affirms District Court Decision Dismissing Three Patents Asserted Against Rothwell Figg Client Fandango

A Rothwell Figg team representing client Fandango Media, LLC prevailed after the U.S. Court of Appeals for the Federal Circuit affirmed a District Court decision granting Fandango's motion for judgment on the pleadings pursuant to Section 101 with respect to three patents asserted by Maxell, Ltd.

Maxell originally asserted seven patents against Fandango in the Central District of California. One of the patents, U.S. Patent No. 8,255,679, was knocked out after the court granted Fandango's motion to dismiss for failure to state a claim. A few months later, U.S. District Judge Andrew J. Guilford granted Fandango's motion for judgment on the pleadings that three other asserted patents - U.S. Patent Nos. 8,311,389, 9,083,942, and 9,773,522 - are directed to patent-ineligible subject matter under *Alice*. The three patents relate to letting users access audio/video content according to a playback permission time period and a retention time period. Judge Guilford found that the claims are directed to the abstract idea of applying a set of time restriction rules to enforce access to content and fail to recite an inventive concept, and are therefore ineligible under Section 101.

The Rothwell Figg team representing Fandango was comprised of Steven Lieberman, Sharon Davis, Michael Jones, and Jennifer Maisel.

A fifth asserted patent, U.S. Patent No. 9,384,783, is part of a pending IPR. The PTAB previously instituted IPR and expressly rejected Maxell's arguments as to the prior art that were raised in its patent owner preliminary response.

The victory was covered by IP Law360 in an article that can be found [here](#).

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Related Areas of Practice

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