

Federal Circuit Upholds Decision Invalidating Patent Asserted Against 14 Media Companies Represented by Rothwell Figg

The United States Court of Appeals for the Federal Circuit upheld an order by Judge Sue Robinson of the United States District Court for the District of Delaware, invalidating under Section 101 a patent that CyberFone had asserted against 81 defendants. Rothwell Figg represented 14 defendants in the case, including CBS, CNN, Warner Bros., Fox News, HULU, Univision, Flixster and HBO.

The district court granted defendants' pre-discovery motion for summary judgment that CyberFone's patent, U.S. Patent Number 8,019,060 – which involves a system for entering transaction data into databases – was invalid under §101. Rothwell Figg took the lead in drafting the papers and argued the summary judgment motion on behalf of all defendants.

On CyberFone's appeal to the Federal Circuit, Rothwell Figg also took the lead in drafting appellees' appeal brief and argued the appeal for all appellees.

"By identifying at the onset of the case, a dispositive defense that did not hinge on claim construction, and filing summary judgment pre-discovery, we were able to construct a successful defense that saved all defendants a substantial amount of time and money," stated Steven Lieberman.

While early Section 101 motions are now quite common, the CyberFone case was one of the first cases in which a judge in the District of Delaware granted such a motion prior to discovery.

The Rothwell Figg team included Steven Lieberman, Sharon Davis, and Brian Rosenbloom.

Key Contacts

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