



Inventor Testimony on Infringement Excluded Because of Lack of Expertise and Unreliability

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Next, the court considered the substance of Sameh's opinions on infringement and found them to be "conclusory, irrelevant, and unreliable." According to Judge Failla, Sameh's opinions comprised either "irrelevant advocacy" about the legal issue of claim construction, or assertions "so conclusory and obvious as to be unhelpful to the trier of fact." As an example, Judge Failla characterized a portion of Sameh's report as stating simply that "a form is a form." Citing *Arthur A. Collins, Inc. v. N. Telecom Ltd.*, 216 F.3d 1042 (Fed. Cir. 2000), Judge Failla concluded that Sameh's unsupported infringement opinions were irrelevant to the issue of patent infringement and struck those portions of his report.

523 IP LLC v. CureMD.Com, 111cv09697 (S.D.N.Y. September 24, 2014) (Failla, J.)

Categories

District Court

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