



Court Enters Final Judgment of Invalidity Pursuant to Fed. R. Civ. P. 54(b) as to Fewer Than All Asserted Claims

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In a subsequent decision, Judge Robinson granted Cox's motion to enter a Rule 54(b) judgment on the six Sprint patents that were invalid for indefiniteness. Rule 54(b) allows a district court to enter final judgment as to fewer than all asserted claims if the court expressly determines that there is no reason to delay the entry of judgment. Judge Robinson rejected Sprint's argument that entry of a Rule 54(b) judgment was inappropriate because the indefiniteness decision was not final since the court had not decided all issues relating to the invalid patents. The Court explained that once a patent has been determined to be invalid (or not infringed), the court need no longer address any other defenses, since a defendant only needs to prevail on one defense, not all defenses.

The invalidated Sprint patents are also being asserted against a group of defendants in the district court in Kansas and are scheduled to be tried in January 2016. In view of that, Sprint argued that it makes more sense for the Kansas parties to try all issues asserted with respect to the indefinite Sprint patents and for all parties to appeal all issues with respect to those patents to the Federal Circuit. Judge Robinson rejected this argument too, noting that in the interest of sound judicial administration, there is no reason to delay entry of judgment so as to give the Federal Circuit an opportunity to review her decision. The Court recognized that a final judgment in the Kansas trial, including resolution of posttrial briefing, was potentially many months away and in view of that, there was no justifiable reason to delay the entry of a final judgment as to the Sprint patents.

Cox Communications Inc. v. Sprint Communications Co. L.P., 12487SLR (D. Del. Aug. 27, 2015) (Judge Robinson).

Categories

District Court

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