



E.D. Tex. Judge Denies Motion for Summary Judgment of Invalidity Based in Part on Expert Testimony

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In denying the motion for summary judgment, the court found that “Metaswitch raise[d] material factual issues about whether [the patent application] actually fact [sic] discloses the limitations of claim 8 . . .” and “cite[d] the testimony of its expert . . . to support its position.” Specifically, the court stated that “Metaswitch’s arguments, supported by evidence and expert testimony, create material fact questions that defeat summary judgment on the issue of anticipation under § 102. These same fact questions, combined with additional disputes on the issue of whether the [reference used in combination] was publicly available, whether one of ordinary skill in the art would have been motivated to combine [patent application] and [combination reference], and whether secondary considerations undermine a finding of obviousness, compel denial of summary judgment on § 103 grounds as well.”

Metaswitch Networks Ltd. et al. v. Genband US LLC et al., 2-14-cv-00744 (E.D. Tex. Mar. 10, 2016). (J. Gilstrap).

Categories

Eastern District of Texas

District Court

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