



Delaware Court Grants in Part a Summary Judgment Motion of Noninfringement

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After concluding that Defendant does not literally infringe certain claims of U.S. Patent No. 5,247,212, the court examined infringement under the doctrine of equivalents. The claims require a “clock input signal” and a “complementary FET inverter.” Defendant contended that the doctrine of equivalents did not apply because the patentee dedicated the disclosed but unclaimed subject matter to the public. But the court found that the specification does not identify the “unclaimed” subject matter as an alternative to any limitation in the claims. Thus, the disclosure-dedication rule does not apply, and the court denied Defendant’s motion for summary judgment of non-infringement under the doctrine of equivalents.

HSM Portfolio LLC & Tech. Props. Ltd. LLC v. Elpida Memory Inc., Civil Action No. 11-770-RGA, Dkt. No. 1205 (D. Del. Feb. 11, 2016).

Categories

District Court

Non-Infringement

Doctrine of Equivalents

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Summary Judgment

District of Delaware

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