



Eastern District of Texas Opinion Denies a Daubert Challenge

Apr 15, 2015

Reading Time : **1 min**

By: Brock F. Wilson

Defendants had argued that an expert witness's testimony should be stricken because the expert lacked the appropriate, agreed-upon, technical background of a person having ordinary skill in the art (PHOSITA). Although the court recognized that "specific patent issues require an expert to have the skillset of a PHOSITA," such as "opining on obviousness, anticipation or the doctrine of equivalents[.]" the court ruled that general questions of expert admissibility in "[p]atent cases, like all other cases, are governed by Rule 702[.]" and that there is "no basis for carving out a special rule as to experts in patent cases." The court reasoned, "[a]n expert need not be an expert on the entire invention, but rather only the technology about which he or she is opining." Although the court found that the expert also met the qualifications of a PHOSITA, the court allowed the testimony under Rule 702 because the expert "had specific knowledge as to the testimony the proponent elicited[.]"

Categories

District Court

Eastern District of Texas

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