Banner & Witcoff Clients Skype Technologies and RTX Telecom Win in Federal Circuit Appeal

On March 15, 2016, the U.S. Court of Appeals for the Federal Circuit entered judgment in favor of firm clients Skype Technologies S.A. and RTX Telecom A/S.

The Federal Circuit affirmed the U.S. Patent and Trademark Office Patent Trial and Appeal Board's March 2014 final decision in two *inter partes* reexaminations initiated by Skype Technologies and RTX Telecom. Those decisions reaffirmed Skype Technologies and RTX Telecom's positions that each and every claim of U.S. Pat. Nos. 7,139,371 & 7,016,481 is invalid.

Skype Technologies and RTX Telecom had requested reexaminations of the patents, which are directed towards a VoIP telephony device, after the patent owner filed a federal lawsuit alleging infringement. During the reexamination, Skype and RTX successfully demonstrated the invalidity of the claims based upon prior invention by others. Through briefing and oral arguments, Skype and RTX also demonstrated that the claims should not be entitled to an earlier filing date and that certain claims failed to comply with the written description requirement and did not distinctly claim the subject matter that was regarded as the invention.

Skype Technologies and RTX Telecom were represented at the Federal Circuit by Jason S. Shull, Bradley C. Wright, Timothy C. Meece and Shawn P. Gorman. Shawn P. Gorman and Jason S. Shull, along with Bradley C. Wright, represented Skype Technologies and RTX Telecom in the *inter partes* reexamination as well as the appeal of the reexamination to the Patent Trial and Appeal Board.

Please click here to read *Law360*'s article on the decision, "Fed. Circ. Sides With Cisco, Skype On Internet Phone Patents."

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