Banner & Witcoff wins affirmance of judgment of no infringement for WMS Gaming and its casino customers

On August 21, 2017, the U.S. Court of Appeals for the Federal Circuit affirmed a judgment of no infringement entered by the U.S. District Court for the District of Nevada in a patent infringement suit filed by Rembrandt Gaming Technologies, LP against Banner & Witcoff, Ltd.'s clients WMS Gaming, Inc.; Aria Resort & Casino Holdings, LLC; Bellagio, LLC; Caesars Entertainment Operating Company, Inc.; Circus Circus Casinos, Inc.; Mandalay Corp.; MGM Grand Hotel, LLC; New Castle Corp.; New York-New York Hotel & Casino, LLC; Ramparts, Inc.; The Mirage Casino-Hotel; and Victoria Partners.

Rembrandt accused dozens of video slot machines used or operated by WMS Gaming and other defendants of allegedly infringing U.S. Patent No. 6,641,477 titled, "Electronic Second Spin Slot Machine."

The district court entered judgment of non-infringement as to all of the accused video slot machines after Banner & Witcoff won on all claim construction issues. Rembrandt appealed to the Federal Circuit, where Banner & Witcoff successfully argued why the district court's claim construction order was correct and why the judgment of non-infringement should be affirmed.

Banner & Witcoff also previously won in the U.S. Patent and Trademark Office during reexamination of the asserted patent, invalidating all asserted claims except one. The Federal Circuit's August 21 affirmance of the district court's judgment confirmed non-infringement as to the only claim remaining in the case.

Banner & Witcoff attorneys Timothy C. Meece, V. Bryan Medlock, Jr., Michael J. Harris and Audra C. Eidem Heinze represented WMS Gaming, Inc.; Aria Resort & Casino Holdings, LLC; Bellagio, LLC; Caesars Entertainment Operating Company, Inc.; Circus Circus Casinos, Inc.; Mandalay

Corp.; MGM Grand Hotel, LLC; New Castle Corp.; New York-New York Hotel & Casino, LLC; Ramparts, Inc.; The Mirage Casino-Hotel; and Victoria Partners in the litigation.

The appeal is Rembrandt Gaming Technologies, LP v. Boyd Gaming Corporation, et al., No. 2016-2249.

Click here to read the opinion.

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