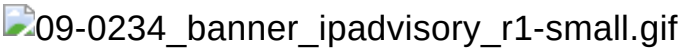
IP Alert: Federal Circuit changes course and upholds Lighting Ballast patent following Teva remand



FEDERAL CIRCUIT CHANGES COURSE AND UPHOLDS LIGHTING BALLAST PATENT FOLLOWING TEVA REMAND

By Paul M. Rivard

In 2014, in Lighting Ballast Control LLC v. Philips Electronics North America Corp., the Federal Circuit sitting en banc upheld its longstanding practice of reviewing all aspects of claim construction without deference to the district court. In the en banc decision, the Federal Circuit reversed the district court's ruling of validity that was based in part on expert testimony concerning a disputed claim term.

Earlier this year in Teva v. Sandoz, however, the Supreme Court disagreed and held that the Federal Circuit must review a district court's findings during claim construction with respect to extrinsic evidence under a clearly erroneous standard. The Supreme Court granted a petition for certiorari in Lighting Ballastand remanded the case to the Federal Circuit to rehear the appeal in light of theTeva ruling.

Since the Teva decision, many commentators have questioned whether the newly minted partial-deference rule would significantly impact patent litigation. We now have at least one prominent decision where partial-deference review by the Federal Circuit resulted in a different outcome.

To read the Federal Circuit's decision, click here.

Posted: June 24, 2015