Actionable Intelligence discusses Timothy C. Meece's Federal Circuit oral argument in Lexmark v. Impression Products

Actionable Intelligence, a publication that covers the digital printer, MFP, copier and supply industry, discusses Timothy C. Meece's oral argument on behalf of client Lexmark International, Inc., in "Federal Circuit Hears Oral Arguments in Lexmark v. Impression Products."

In its March 19, 2015 article, Actionable Intelligence provides background of the case, which is an appeal of the final judgments issued in Lexmark's toner cartridge patent-infringement lawsuit in the U.S. District Court for the Southern District of Ohio.

It offers insight into both parties' oral arguments, pointing out that, "In general, comparing the two attorneys, Mr. O'Connor's style is slightly more informal compared with Mr. Meece. Mr. Meece's more formal and unfailingly polite manner, however, served him well when the judges became frustrated."

It also includes Mr. Meece's summary of why Lexmark should retain patent rights in Return Program cartridges and why Jazz Photo should not be overturned:

"In our opinion to rule in Impression's favor on this appeal would require the court to adopt three untenable positions. First it would have to ignore the stipulated facts that this is a valid, enforceable conditional sale and a single-use restriction. Two, it would have to conclude that the Supreme Court not only intended to overrule Mallinckrodt and Jazz Photo but also its decisions inBoesch and General Talking Pictures, in my opinion. And lastly, you would have to decide that the Supreme Court dramatically changed the … parameters of patent exhaustion that have existed for approximately a century. Based on the stipulated facts and the binding precedent, we believe a ruling in Lexmark's favor on both issues is appropriate."

Please click here to read more about the oral arguments. A subscription is required.

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