

In *Ebay, Inc. v. MercExchange, LLC*, 126 S. Ct. 1837 (May 15, 2006), the Supreme Court struck down a new Federal Circuit “general rule” that, absent exceptional circumstances, a permanent injunction should issue in cases where a defendant has infringed the patent of another. The Supreme Court reinstated the traditional four-factor test to determine whether permanent injunctive relief is appropriate in patent cases, as in other federal civil cases. MercExchange sued Ebay for infringing a business method patent for an electronic market. A jury found that the patent was infringed and that MercExchange was entitled to damages, however, the court denied MercExchange’s motion for permanent injunctive relief. The Court of Appeals for the Federal Circuit reversed the lower court’s decision and granted injunctive relief applying a new “general rule that courts will issue permanent injunctions against patent infringement absent exceptional circumstances.” The Supreme Court reversed, however, citing a long recognized rule that “a major departure from equity practice should not be lightly implied.” The Supreme Court also cited its recent decision that injunctive relief is not automatically available to a copyright owner whose copyright was infringed, despite the right of the copyright owner, like a patent owner, to exclude others from using his property. “Like the Patent Act, the Copyright Act provides that courts ‘may’ grant injunctive relief ‘on such terms as it may deem reasonable to prevent or restrain infringement of a copyright.’”

In *SL Montevideo Tech., Inc. v. Eaton Aerospace, LLC*, No. 03-3302 (D. Minn. May, 26, 2006), Judge Kyle granted defendants’ motion for judgment as a matter of law in a misappropriation of trade secrets case. Montevideo sued Eaton but did not allege the

trade secrets relating to its motors with specificity, as required by Minnesota case law. Montevideo argued that performance characteristics of a motor, such as weight and torque, specified their trade secrets. The court held that the performance characteristics themselves were not trade secrets, however, because Montevideo claimed the design of the motor as a whole and its component parts as trade secrets, not the performance characteristics.

In *Digital Angel Corp. v. Datamars, Inc.*, No. 04-4544 (D. Minn. May 22, 2006), Judge Montgomery construed the claims of Digital Angel's patent and found that a presumption has been rebutted. Use of the word "means" in a patent claim creates a presumption that the claim term is limited to the structure disclosed in the patent's specification; here the term was "integrated circuit means." A patentee can only rebut this presumption if the claim term conveys structure known to one of ordinary skill in the art. In this case, the court determined that the term "integrated circuit means" had a reasonably well understood structural meaning and that the presumption that the term was a means-plus-function element was rebutted. The court based its construction on precedent that held that the term "circuit means" often identifies structure known to one of ordinary skill in the art.

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