

This Latham Partner Had a Very Good Day

By Jenna Greene
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Five.

That's how many wins Latham & Watkins partner Matthew Moore racked up in a single day before the U.S. Court of Appeals for the Federal Circuit last week.

Moore prevailed in four patent cases on behalf of Ford Motor Co., and one for Capital One Bank.

"You can't ask for a better day for your clients and your team than going five for five," said Moore, who is global co-chair of Latham's IP litigation practice.

The cases were argued two months apart, on October 6 and December 6—but the decisions all came down March 7.

The Ford fight was against Paice LLC, a small hybrid technology company represented by Ruffin Cordell of Fish & Richardson.

In 2014, Paice sued Ford for infringing several of its patents related to hybrid vehicles. Ford responded by seeking inter partes review of the asserted patents before the Patent Trial and Appeal Board—and won when the board invalidated key claims as obvious.

Paice appealed to the Federal Circuit with little success.

"We conclude that the Board did not err by invoking common sense in its analysis," the panel—Chief Judge Sharon Prost and Judges Alvin Schall and Kara Stoll—stated in a per curiam opinion. Stoll dissented in part.

However, the Federal Circuit did remand one claim (out of 18 reviewed) because the board did not separately analyze its limitation.

In the Capital One fight, as reported by Scott Graham in Lit Daily affiliate The National Law Journal, the financial services company was sued by Intellectual Ventures for patent infringement.

The Federal Circuit upheld a lower court decision that two of the patents were invalid because they claimed ineligible subject matter.



Photo: Diego M. Radzinski/ALM

Matthew Moore of Latham & Watkins.

"The mere fact that the inventor applied coined labels to conventional structures does not make the underlying concept inventive," wrote Prost for the panel, which also included Judges Evan Wallach and Raymond Chen.

The panel also ruled the lower court correctly barred Intellectual Ventures from proceeding with an infringement claim for another patent on collateral estoppel grounds.

The plaintiffs were represented by Ian Feinberg of Feinberg Day Alberti & Thompson.

Contact Jenna Greene at jgreene@alm.com.
On Twitter @jgreenejenna.