

VAPOR POINT LLC v. MOORHEAD, Appeal No. 2015-1801-2003 (Fed. Cir. August 10, 2016). Before O'Malley, Chen, and Stoll (per curiam). Appealed from S.D. Tex. (Judge Gilmore).

Background:

Moorhead developed a system that aims to control combustible and toxic gases in fuel storage and transfer operations. After working with Moorhead to market this technology, Nathan joined Moorhead at NanoVapor and became COO of the company. NanoVapor later hired Matheson to help with the "commercial embodiment" of the technology being developed. Moorhead, without Nathan and Matheson, filed two patent applications directed to the technology, each of which eventually matured into a patent (collectively "Moorhead patents"). Nathan and Matheson later left NanoVapor for Vapor Point, and they then obtained five patents on similar technology (collectively "Vapor Point patents").

NanoVapor requested that the district court alter the inventorship of the Vapor Point patents to include Moorhead, and Vapor Point in turn requested that the court correct the inventorship of the Moorhead patents to include Nathan and Matheson, or possibly substitute Nathan and Matheson's names for Moorhead's. After a four-day evidentiary hearing, the district court denied NanoVapor's claims of inventorship and granted Vapor Point's to the extent that Nathan and Matheson sought to be added to the Moorhead patents. NanoVapor appealed the district court's order on inventorship.

Issue/Holding:

Did the district court err by granting Vapor Point's claim that Nathan and Matheson should be added to the Moorhead patents as inventors? No, affirmed.

Discussion:

The Federal Circuit began its analysis by reiterating that all inventors, even those who contribute to only one claim or one aspect of one claim of a patent, must be listed on that patent. The Federal Circuit then concluded that Nathan contributed to three of the four key aspects of the Moorhead patents and that Matheson contributed to one aspect of two claims of these patents. The Federal Circuit thus concluded that substantial evidence supported the district court's findings.