

TINNUS ENTERPRISES, LLC v. TELEBRANDS CORPORATION, Appeal Nos. 2016-1410. (Fed. Cir. January 24, 2017). Before Moore, Wallach and Stoll. Appealed from E.D. Tex. (Judge Schroeder).

Background:

Tinnus sued Telebrands for infringement of a patent directed to an apparatus for simultaneously filling a plurality of balloons with fluid through a plurality of hollow tubes. The district court granted a preliminary injunction motion by Tinnus, finding that: (1) Telebrands' product likely met the disputed claim limitations; (2) Telebrands' indefiniteness and enablement arguments failed to raise a substantial question of validity; (3) the asserted references did not disclose all features of the claims; and (4) irreparable harm was present based on a lowered price due to Telebrands' competing product. Shortly thereafter, the PTAB instituted a Post-Grant Review, finding that all claims of the patent were more likely than not invalid based on the same arguments considered by the district court. Telebrands appealed the preliminary injunction.

Issue/Holding:

Whether the district court erred in granting the preliminary injunction. No, affirmed.

Discussion:

The Federal Circuit found that the district court did not commit clear error in its claim interpretation of disputed terms. The Federal Circuit also found that it was not clear error for the district court to rely on Telebrands' instruction manual to satisfy a disputed limitation. The instruction manual is at least circumstantial evidence of infringement.

The Federal Circuit reviewed the issues of indefiniteness and obviousness for plain error because Telebrands failed to object to the factual findings and legal conclusions of the magistrate judge on these issues. The Federal Circuit upheld the district court finding that the claim term "substantially filled" was not indefinite. The Federal Circuit also found no plain error in the district court finding that one of the asserted references is non-analogous art because it is from a disparate field and is not reasonably pertinent to the problem being addressed by the inventor. Finally, the Federal Circuit found no clear error in the irreparable harm conclusion, finding that evidence of harm predating the patent's issuance was at least circumstantial evidence of identical harms once the patent issued, and was further supported by other post-issuance evidence.