

ATEN INTERNATIONAL CO., LTD. v. UNICLASS TECHNOLOGY CO., LTD., Appeal No. 2018-1606 (Fed. Cir. August 6, 2019). Before Moore, Wallach, and Taranto. Appealed from C.D. Cal. (Judge Guilford).

Background:

Aten owned two patents directed to KVM switches, which allow multiple computers to be used with the same keyboard, mouse, and monitor. Aten sued Uniclass and other defendants for patent infringement. The Jury found that the patents were invalid and not infringed. Aten moved for a Judgment as a Matter of Law (JMOL), arguing that no reasonable jury could have found the patents invalid and not infringed. The District Court denied the JMOL motion, and Aten appealed.

Issues/Holdings:

Did the District Court err in denying a JMOL of validity and non-infringement? Yes and no, reversed-in-part and affirmed-in-part.

Discussion:

Regarding invalidity, the jury had found that a patent having a critical date of July 24, 2006 was anticipated by software that the evidence of record showed was developed on an unspecified date in 2006. The Federal Circuit held that without clear and convincing evidence that the software was developed on a specific month and day before July 24, 2006, the software could not anticipate the patent.

Regarding infringement, Aten alleged that Uniclass's expert had improperly testified about claim construction to the jury, which confused them in their infringement analysis. The Federal Circuit agreed that expert testimony concerning claim construction should not have been presented to a jury. However, Aten had not objected to this testimony at the time it was given, or proffered an alternative claim construction. Accordingly, although the Federal Circuit agreed that the expert testimony was improper, it held that Aten's failure to timely object to the testimony waived any challenge of the jury's findings based on the testimony.