PARKERVISION, INC. v. QUALCOMM INC., Appeal No. 2026-1033 (Fed. Cir. Sep. 30, 2026). Before Prost, Chen, and Stark. Appealed from M.D. Fla. (Judge Byron).

Background:

ParkerVision sued Qualcomm for infringement of their '907 and '940 patents. The claims of the '940 patent fell into two groups: i) receiver claims and ii) transmitter claims. The district court granted Qualcomm summary judgment of non-infringement for both groups of claims, to which ParkerVision appealed. On appeal, the Federal Circuit vacated and remanded. On remand, after claim construction, the parties stipulated that Qualcomm's products did not infringe the receiver claims of either patent, and the district court granted partial summary judgment. The court then entered final judgment on the receiver claims under Rule 54(b) and severed and stayed the transmitter claims. ParkerVision appealed.

Issue/Holding:

Does Rule 54(b) permit final judgment to be entered with respect to infringement of only some patent claims while other patent claims of the same patent remain unresolved? No, dismissed.

Discussion:

The Federal Circuit first considered whether they had jurisdiction over the appeal, explaining that they have jurisdiction only over an appeal from a final decision of a district court. The court referenced Rule 54(b), which permits district courts to enter partial final judgments. In particular, Rule 54(b) states that a court may enter a partial final judgment when fewer than all of the claims are resolved only if the court determines there is no just reason for delay in entering final judgment. However, the court noted that while Rule 54(b) governs actions presenting more than one "claim" for relief, permitting entry of a final judgment as to one or more, but fewer than all, "claims," the term "claim" refers to a single cause of action. The court noted that this was an important distinction from the meaning of "claim" within intellectual property law.

As a result, the court questioned whether the district court could enter final judgment with respect to infringement of only some patent claims (i.e. the receiver claims), when other patent claims (i.e. the transmitter claims) remained unresolved. The Federal Circuit reasoned that under 35 U.S.C. § 281, a cause of action is equated with the patent as a whole, not individual claims. This is similar to how property rights, including ownership, attach to the patent rather than the claims themselves. The Federal Circuit additionally noted that ParkerVision only included a single cause of action in the first amended complaint, with respect to the '940 patent.

Reference to the non-precedential *Donnelly* case was also made, where the Federal Circuit previously explained that "although each claim of a patent is distinct, and infringement of any one of the claims is still infringement of the patent, it is difficult to imagine a case in which subject matter is sufficiently related to be covered by a single patent, and yet sufficiently distinct as to warrant the grant of a motion for partial final judgment."

The Federal Circuit ultimately held that because infringement of the receiver claims of the '940 patent was not a separate cause of action, Rule 54(b) did not allow entry of a partial final judgment. The Federal Circuit further held that they lacked jurisdiction in view of the lack of a final judgment. Thus, the Federal Circuit dismissed ParkerVision's appeal.

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NON-FEDERAL CIRCUIT HIGHLIGHT FOR OCTOBER 21, 2026

I. Miscellaneous

A. The USPTO's new general counsel and acting solicitor, John Duffy, led the recent summit of global intellectual property leaders this past Thursday. John Duffy began his role this last Monday, October 12. Duffy mentioned a new program, Learning from Outcomes to Optimize Patents, that will give feedback to examiners when their patents are invalidated by subsequent administrative proceedings. Duffy further mentioned that the USPTO recently launched a working group to study standard essential patents (patents covering technology required to implement certain technical purposes, such as for Wi-Fi).

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