

Fed. Circ. Won't Revisit Alice Ax Senator Called 'Madness'

By [Tiffany Hu](#)

Share us on: By [Tiffany Hu](#)

Law360 (December 17, 2019, 5:13 PM EST) -- The full Federal Circuit on Tuesday refused to revisit a decision that wiped out the [Chamberlain Group](#)'s nearly \$20 million award in a lawsuit over garage door opener patents, leaving in place a ruling that the chairman of the Senate intellectual property subcommittee had called "madness."

In a nonprecedential order, the appeals court denied Chamberlain's petition for rehearing of an "unprecedented" panel decision [in August](#) that one of Chamberlain's patents, U.S. Patent Number [7,224,275](#), was invalid under the [U.S. Supreme Court](#)'s Alice ruling for claiming the abstract idea of "wirelessly communicating status information about a system."

A jury had awarded Chamberlain \$19.9 million after finding rival [Techtronic Industries Co.](#) infringed two patents, but the panel vacated the ruling and ordered the recalculation of Chamberlain's award after finding one of the patents invalid.

In its [October rehearing petition](#), Chamberlain argued that the panel overstepped its role when it found that the patent did not recite an inventive concept — the second part of the Alice test — because the lower court already determined it did not cover an abstract idea.

"All the fact-finding the district court (and jury) did perform supports a contrary conclusion," Chamberlain wrote in its petition. "Instead of affording deference or remanding, the panel decision 'proceed[ed] to step two' in the first instance. That is unprecedented."

In the same month, the Senate Judiciary Committee's intellectual property subcommittee chairman, Thom Tillis, R-N.C., had [referred to the panel's decision](#) at a hearing to discuss concerns over what the senators called "poor-quality patents."

Tillis had lamented what he called the frustrating lack of clarity in the law about what is and is not patent eligible, and said he wants to restore certainty on that issue.

"Nothing better demonstrates the madness in this area of law than the Chamberlain Group case, where the Federal Circuit found a garage door opener to be abstract," he said, making a confused expression while referring to the panel's August decision.

The Federal Circuit was unmoved, however, and refused to reconsider its earlier ruling.

An attorney for Techtronic declined to comment Tuesday. Counsel for Chamberlain did not immediately respond to a request for comment.

The '275 patent, which was the basis of nearly all of Chamberlain's damages award, covers a method of wireless communication to transmit a garage door's status information, or whether it is open or closed, to a mobile device.

The panel ruled that "the claims merely recite a system that communicates status information, in the same 'well understood' manner that wireless transmissions have always occurred," rendering the claimed invention invalid.

But it upheld the validity for the other Chamberlain patent Techtronic was found to have infringed. That patent, U.S. Patent Number [7,635,966](#), covers a rechargeable battery backup system for a garage door opener that allows it to charge power-tool battery packs. The panel rejected Techtronic's argument that it was invalid as anticipated, and affirmed the lower court's finding that Techtronic had infringed on it.

Chamberlain filed its complaint in June 2016, alleging that Techtronic's Ryobi line infringed the '275 and '966 patents, covering its own lines of competing products. The patents were previously the subjects of examinations at the [U.S. Patent and Trademark Office](#), which found them valid and enforceable, according to the suit.

A jury [awarded Chamberlain \\$3.8 million](#) in August 2017 after finding that Techtronic's model GD200 garage door openers infringed both patents. In May 2018, U.S. District Judge Harry Leinenweber [trebled those damages to \\$11.4 million](#) after finding Techtronic's underlying conduct particularly egregious and also awarded \$3.3 million in supplemental damages. Additionally, that order entered a permanent injunction against Techtronic until Chamberlain's '275 patent expires.

In August 2018, Judge Leinenweber awarded more than [\\$5.2 million in attorney fees](#) to Chamberlain's lawyers at [Winston & Strawn LLP](#) and [Fish & Richardson PC](#), making the total award \$19.9 million.

The panel tossed that figure a year later and sent it back for retooling after finding the '275 patent invalid. Almost all the damages award was based on that patent; the jury awarded only \$57,000 in damages on the battery patent.

Tuesday's order comes the same day the appeals court affirmed the Patent Trial and Appeal Board's decision to invalidate parts of a different Chamberlain patent challenged by Techtronic.

The patents-in-suit are U.S. Patent Numbers 7,224,275 and 7,635,966.

Chamberlain is represented by Benjamin C. Elacqua and Maria E. Stiteler of Fish & Richardson PC; and Katherine Vidal, Michael R. Rueckheim, Matthew R. McCullough, Andrew C. Nichols, Zachary B. Cohen and Eimeric Reig-Plessis of Winston & Strawn LLP.

Techtronic is represented by Jason C. White, Michael J. Abernathy, Sanjay K. Murthy, Nicholas A. Restauri, Julie S. Goldemberg and William R. Peterson of [Morgan Lewis & Bockius LLP](#);

and Sean C. Cunningham, Erin Gibson and Stanley J. Panikowski III of [DLA Piper](#).

The case is The Chamberlain Group Inc. v. Techtronic Industries Co. Ltd. et al., case numbers [18-2103](#) and [18-2228](#), in the [U.S. Court of Appeals for the Federal Circuit](#).

--Additional reporting by Cara Salvatore. Editing by Peter Rozovsky.