

# INTELLECTUAL PROPERTY LITIGATION NEWSLETTER

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## Case Highlights

### **“Very Demanding” Standards for Judicial Correction of a Claim Term Met When Intrinsic Evidence Clearly Establishes the Only Reasonable Correction**

*Canatex Completion Solutions Inc. v. Wellmatics LLC*, No. 24-1466 (Fed. Cir. Nov. 12, 2025) (Judge Taranto, joined by Judges Moore and Prost) (appeal from S.D. Tex.).

The Federal Circuit reversed the district court’s ruling that the patent at issue was indefinite for lack of an antecedent basis for the claim phrase “the connection profile of the *second* part.” The defendant argued that the phrase had a clear intended meaning to be “the connection profile of the *first* part” and should be judicially corrected. The Federal Circuit agreed. The Federal Circuit found that this case met the “very demanding standards” for judicial correction for a claim term: (1) the error in the claim language is obvious on the face of the patent and is also evident on the face of the specification; and (2) the proper correction is not “subject to reasonable debate based on consideration of the claim language and the specification” and “the prosecution history does not suggest a different interpretation of the claims.”

### **Patent Claims Without Objective Boundaries for Determining What Is “Optimal” Indefinite**

*Akamai Technologies Inc. v. MediaPointe Inc.*, No. 24-1571 (Fed. Cir. Nov. 25, 2025) (Judge Taranto, joined by Judges Stoll and Cunningham) (appeal from C.D. Cal.).

The Federal Circuit affirmed the decision that the claim limitations reciting “optimal” or “best” routes or “best situated” nodes were indefinite. The Federal Circuit agreed with the district court’s finding that the patents at issue do not give the required objective boundaries for determining what is optimal or best. Although the patents disclose using trace routes, neither the claims nor specification “say that the only factors in determining what is optimal or best are trace-route results.” The Federal Circuit determined that when multiple methods for determining whether a claim limitation is met lead to different results without guidance on which method should be used, as here, the claim is indefinite.

## Alston & Bird Recognized in IP Litigation

Alston & Bird Secures Three Major Federal Circuit Wins

*Brita LP v. ITC*, No. 24-1098 (Fed. Cir. Oct 15, 2025) (Judge Prost, joined by Judges Reyna and Chen) (appeal from ITC).

*Causam Enterprises Inc. v. ITC*, No. 23-1769 (Fed. Cir. Oct 15, 2025) (Judge Taranto, joined by Judges Chen and Stoll) (appeal from ITC).

Alston & Bird secured two precedential affirmances of ITC rulings on the same day, confirming invalidity findings in high-stakes patent disputes for Resideo, Itron, and Ademco, and separately for Helen of Troy. In an unrelated appeal, the court upheld the PTAB and ITC victories for Resideo, Itron, and Ademco, mooted the opposing party’s claims entirely.

## Other Notable Cases

### **Summary Judgment of No Infringement in Complex Patent Case Appropriate in Absence of Critical Technical Expert Testimony**

*Rein Tech Inc. v. Mueller Systems LLC*, No. 1:18-cv-01683 (D. Del. Nov. 5, 2025) (Judge Noreika).

The court issued summary judgment of no patent infringement “[i]n the absence of a clear infringement argument and critical expert testimony.” There was no dispute that the case involves complex technology and that expert evidence is generally necessary in these cases. However, after the plaintiff’s technical expert was excluded from testifying as an expert at trial for repeated violations of the protective order, the plaintiff failed to provide other expert testimony. The plaintiff “made the strategic decision to designate just one expert,” and in failing to provide an alternate expert, there was no expert to explain infringement to the jury. The court therefore issued summary judgment of no infringement because the plaintiff could not meet its burden to establish infringement at trial.

### **Plaintiff’s Law Firm Disqualified for Appearance of Impropriety for Having Prolonged Access to Defendant’s Confidential Information Relevant to the Case**

*Inspire Medical Systems Inc. v. Nyxoah Inc.*, No. 1:25-cv-00667 (D. Del. Nov. 18, 2025) (Magistrate Judge Tennyson).

The court disqualified the law firm representing the plaintiff in a patent infringement lawsuit. Although the law firm never had an attorney-client relationship with the defendant, the law firm had obtained access to the defendant’s confidential internal technical and financial information about the defendant’s product throughout the course of its four-year relationship with the defendant’s underwriters. That product is now accused of infringement in this case by the law firm’s client, the plaintiff. The court found that the appearance of impropriety is “glaring”: “it appears that [the law firm] has leveraged its prolonged access to confidential [product] information to garner business in the form of a patent-infringement suit against [the defendant] by one of [the defendant’s] competitors. Whether this is, in fact, what happened is irrelevant. The appearance of impropriety is unavoidable, and disqualification of [the law firm] would seem necessary here to avoid this appearance of impropriety.” Notably, even though the specific attorneys representing the defendant did not have access to the confidential information, the court found that “the appearance of impropriety still pervades” and disqualified the whole law firm.

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