

Gilstrap Nixes Patent Suit Against Apple, Microsoft, Others

By **Kat Greene**

Law360, Los Angeles (September 6, 2016, 9:15 PM EDT) -- Apple, Microsoft and other tech companies beat a suit alleging their devices infringed a patent for communication tools with cameras when U.S. District Judge Rodney Gilstrap concluded Friday the patent called for a movable camera, while the devices' cameras were fixed.

Judge Gilstrap converted a stack of motions to dismiss lodged by technology giants including Apple Inc., Microsoft Corp., HTC, LG Electronics Inc., Motorola Mobility LLC and many others into motions for summary judgment, then ruled in the defendants' favor, rejecting Iris Connex LLC's claim that a mountain of camera devices infringe its U.S. Patent No. 6,177,950, according to Friday's order in Eastern Texas federal court.

Iris Connex had tried to persuade the nation's busiest patent judge that the defendants' dual camera devices--with front- and rear-facing cameras--infringed the technology claimed in its '950 patent, but the judge found that the patents claims were actually describing a single camera that rotates, not two that are fixed, according to the decision.

"Every embodiment disclosed in the '950 patent indicates that 'multi-position' requires the reading head to be physically moveable," Judge Gilstrap wrote in Friday's order. "The accused products do not literally infringe claim 1 because no accused product has a single 'physically moveable' reading head as the court's construction requires."

Iris Connex filed suit late last year alleging a long list of device makers were infringing its '950 patent, which describes "a personal communication device" with a display screen, a loudspeaker, a microphone, a keypad, telecommunications capabilities and "an internal multi-position and multi-function reading head for producing an image signal," court records show.

Dell filed a motion to dismiss first, in March 2016, followed by everyone else in mid-April, according to filings in the case.

The companies argued in their dismissal motions that Iris Connex' patent described a device with a camera that moves from one position to the other, not two cameras that a user can toggle between via the device's software.

Judge Gilstrap accelerated claim construction evidence and arguments to turn around that point, whether the patent describes two cameras, and if it allows for fixed cameras at all, court records show.

He concluded that the patent's language and prosecution history pointed to the idea of a single camera that moves and granted summary judgment to the defendants with prejudice, according to the order.

"As much as we respect this court, we believe that the court missed this one, and we plan to move forward with an appeal," Craig Tadlock of Tadlock Law Firm, which represents the patent holder, told Law360 on Tuesday.

The patent-in-suit is U.S. Patent No. 6,177,950.

A representative for the defendants didn't immediately respond to a request for comment late Tuesday.

Iris Connex is represented by Charles Craig Tadlock, John J. Harvey Jr. and Keith Bryan Smiley of Tadlock Law Firm.

The technology companies are represented by Cooley LLP, Gillam & Smith LLP, Foley & Lardner LLP, Law Offices of Guy N. Harrison, Amin Turocy & Watson LLP, Winston & Strawn LLP, The Dacus Firm PC, Akin Gump Strauss Hauer & Feld LLP, Pillsbury Winthrop Shaw Pittman LLP, McDole Williams, Wilson Robertson & Cornelius PC, Dentons US LLP, Orrick Herrington & Sutcliffe LLP, Andrews Kurth LLP, Findlay Craft PC and Paul Hastings LLP.

The case is Iris Connex LLC v. Acer America Corp. et al., case number 2:15-cv-01909, in the U.S. District Court for the Eastern District of Texas.

--Editing by Joe Phalon.