

Macy's, Others Win Claims In Katz Phone Patent MDL

By **Pete Brush**

Law360, New York (February 01, 2010) -- In a tangled ruling delving into eight automated phone systems patents belonging to inventor Ronald A. Katz, a federal judge has granted a group of defendants' bid for summary judgment on obviousness with respect to certain claims while denying their arguments on other claims in the multidistrict infringement case.

Judge R. Gary Klausner's 58-page ruling, issued Friday in the U.S. District Court for the Central District of California, dealt with summary judgment motions on common issues related to the so-called C-Track defendants in the complex litigation.

Katz and his company filed some 50 suits that were transferred to the multidistrict proceedings in the California court. The lawsuits that were filed later in the proceedings are referred to as the C-Track cases.

C-Track defendants include Macy's Inc., Teligence (US) Inc., EchoStar Communications Corp. and Fifth Third Bancorp, among other companies.

A source familiar with the litigation said Monday that a number of summary judgment motions filed by individual defendants in the C-Track cases remain pending and that Friday's ruling applied only to common questions for all C-Track defendants.

For that reason, the source said, it was not immediately clear which of the C-Track defendants were in a position to claim an early victory in the dispositive motions phase of the case.

The patents mentioned in Friday's ruling include U.S. Patent Numbers 5,561,707; 5,974,120; 6,335,965; 5,898,762; 5,684,863; 4,930,150; 6,044,135; and 5,835,576.

The patents generally relate to technology that enables callers to exchange information with computer systems through a telephone network.

The judge's newly issued ruling granted the defendants' summary judgment for obviousness with respect to certain claims in the '707, '120 and '863 patents.

It denied the defendants' bid for summary judgment of invalidity with respect to certain claims in the '150, '135 and '576 patents.

And the ruling was mixed with respect to certain claims in the '965 and '762 patents.

The suits claim various defendants have infringed valid patents as well as several patents that have now expired.

The automated systems allow customers to access account information, start a new service, transfer service, stop service, make a payment on an account and perform a variety of other functions.

The court has already ruled on all of the previous B-Group's motions for summary judgment and those rulings are being briefed on appeal before the U.S. Court of Appeals for the Federal Circuit.

Katz and his firm, Ronald A Katz Technology Licensing LP, are represented in the litigation by Covington & Burling LLP and Cooley Godward Kronish LLP, among other firms.

The C-Track defendants are represented in the case by liaison counsel Amster Rothstein & Ebenstein LLP, which also represents Macy's individually, among other firms.

Lawyers representing the parties declined to comment or could not immediately be reached for comment on Monday.

The case is *In re Katz Interactive Call Processing Patent Litigation*, case number 07-ml-01816, in the U.S. District Court for the Central District of California.