
JASON PELTZ PREVAILS IN PATENT INFRINGEMENT SUIT IN FEDERAL CIRCUIT FOR DIRECTV



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Bartlit Beck and Quinn Emanuel represented DIRECTV in a patent infringement suit filed in the Central District of California. The accused technology involved the Interactive Voice Response (IVR) system that answers customer calls.

Plaintiff Phoenix Solutions claimed over \$40 million in damages. After a Markman hearing and discovery, DIRECTV moved for summary judgment on the ground that it outsourced its IVR to a third-party vendor and therefore could not be liable for direct infringement. The district court agreed, holding that DIRECTV "is not liable for an infringing 'use' of the asserted claims because it does not exercise the requisite direction or control over the way that [the vendors] configure and operate the Accused Technology."

Phoenix appealed. Two days after oral argument, the Federal Circuit Court of Appeals issued a per curiam decision affirming summary judgment for DIRECTV.

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