

MAY 3, 2010

ALJ Charneski Denies Motion for Summary Determination of Invalidity

On May 3, 2010, ALJ Charneski denied respondent MVTec Software GmbH (“MVTec”) its motion for summary determination that each of the asserted claims of U.S. Patent Nos. 7,016,539 and 7,065,262 are invalid under 35 U.S.C. § 101 for failure to claim patent-eligible subject matter in Inv. No. 337-TA-680, *In the Matter of Certain Machine Vision Software, Machine Vision Systems, and Products Containing Same*. MVTec based its motion on the Federal Circuit *In re Bilski* decision, and the Commission Investigation Staff supported the motion. ALJ Charneski held summary determination was inappropriate in light of an undeveloped record and the impending Supreme Court decision regarding *Bilski*.