

NOTE: This disposition is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2005-1387, 2006-1333

TRANSLOGIC TECHNOLOGY, INC.,

Plaintiff-Appellee,

v.

HITACHI, LTD., HITACHI AMERICA, LTD.,  
and RENESAS TECHNOLOGY AMERICA, INC.,

Defendants-Appellants.

Jeffrey S. Love, Klarquist Sparkman, LLP, of Portland, Oregon, argued for plaintiff-appellee. With him on the brief were Jared S. Goff and John D. Vandenberg. Of counsel was Kevin M. Hayes.

James G. Gilliland, Jr., Townsend and Townsend and Crew LLP, of Palo Alto, California, argued for defendants-appellants. With him on the brief were Madison C. Jellins and D. Stuart Bartow. Of counsel on the brief were David Axelrod, Schwabe, Williamson & Wyatt, P.C., of Portland, Oregon, and Nathan Lane III, Squire, Sanders & Dempsey L.L.P., of San Francisco, California, and David S. Elkins of Palo Alto, California.

Appealed from: United States District Court for the District of Oregon

Senior Judge Owen M. Panner

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DECIDED: October 12, 2007

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Before MAYER, RADER, and PROST, Circuit Judges.

RADER, Circuit Judge.

The United States District Court for the District of Oregon entered judgment against Hitachi, Ltd., Hitachi America, Ltd., and Renesas Technology America, Inc. ("Hitachi") for infringement of U.S. Patent No. 5,162,666 ("the '666 patent") owned by Translogic Technology, Inc. ("Translogic"). Translogic Tech., Inc. v. Hitachi, Ltd., Hitachi Am., Ltd., and Renesas Tech. Am., Inc., Civ. No. 99-407-PA, (D. Or. May 12, 2005) ("Opinion"); Translogic Tech., Inc. v. Hitachi, Ltd., Hitachi Am., Ltd., and Renesas Tech. Am., Inc., Civil Action No.: 3-99-00407-PA (D. Or. December 13, 2005) ("Final Judgment"). The judgment imposed monetary damages and a permanent injunction. Id. The '666 patent describes a multiplexer circuit "formed of two-to-one transmission gate multiplexer ("TGM") circuits connected in series." '666 Patent Abstract.

In a parallel case before the same panel of this court, Translogic appealed the decision of the United States Patent and Trademark Office's Board of Patent Appeals and Interferences ("Board") upholding a patent examiner's rejection, in reexamination, of the '666 patent. Ex parte Translogic Tech., Inc., Appeal No. 2005-1050, Board of Patent Appeals and Interferences (July 14, 2005) (Request for Rehearing denied on October 26, 2005). The Board held the claims of the '666 patent obvious based on prior art references disclosing series multiplexer circuits in view of a 1985 textbook disclosing TGM circuits. Id. This court, in a precedential opinion, affirmed the Board's decision that the claims of the '666 patent are obvious under 35 U.S.C. § 103(a). In re Translogic Tech., Inc., --- F.3d --- (Fed. Cir. 2007). In light of this court's decision in In re Translogic Tech., Inc., this court vacates the district court's decision and remands this case to the district court for dismissal.

VACATED and REMANDED

#### COSTS

Each party shall bear its own costs.