

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

FULLVIEW, INC.,
Plaintiff-Petitioner

v.

POLYCOM, INC.,
Defendant-Respondent

2026-121

On Petition for Permission to Appeal pursuant to 28 U.S.C. Section 1292(b) from the United States District Court for the Northern District of California in No. 3:18-cv-00510-EMC, Judge Edward M. Chen.

ON PETITION

Before DYK, REYNA, and HUGHES, *Circuit Judges*.
REYNA, *Circuit Judge*.

O R D E R

Pursuant to 28 U.S.C. § 1292(b), FullView, Inc. seeks permission to appeal orders of the United States District Court for the Northern District of California that, inter alia, (1) determined some of the asserted patent claims are

invalid under 35 U.S.C. § 101 and (2) excluded FullView's expert testimony on damages. The district court certified the orders pursuant to § 1292(b).

Under § 1292(b), the Northern District of California may certify that an order that is not otherwise immediately appealable is one involving a controlling question of law as to which there is substantial ground for difference of opinion and for which an immediate appeal may materially advance the ultimate termination of the litigation. Ultimately, this court must exercise its own discretion in deciding whether to grant permission to appeal an interlocutory order. *See In re Convertible Rowing Exerciser Pat. Litig.*, 903 F.2d 822, 822 (Fed. Cir. 1990). In this case, we decline to grant permission to appeal under § 1292(b).

Accordingly,

IT IS ORDERED THAT:

The petition for permission to appeal is denied.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

April 16, 2026
Date