

Mastermine v. Microsoft: Following Precedent or Pivoting Away'

January 2, 2018 Adam Fowles

PRACTICES Intellectual Property Litigation, Trademark and Advertising, Copyright, Intellectual Property

At the end of October, in *Mastermine Software, Inc. v. Microsoft Corp.*, No. 2016-2465 (Fed. Cir. Oct. 30, 2017), the Federal Circuit reversed a district court's determination that a system claim was invalid for indefiniteness. The Federal Circuit disagreed with the district court's conclusion that certain claims were indefinite for improperly claiming two different classes of subject matter.¹ The court found that the claims informed those skilled in the art with "reasonable certainty"² in conformity with the *Nautilus* guidance, specifically on the basis that one can determine when infringement occurs.³

Overview of the District Court's decision

Mastermine asserted U.S. Patent Nos. 7,945,850 and 8,429,518 against Microsoft in the U.S. District Court for the District of Minnesota. In its claim construction order, the District Court held that claims in both patents were invalid for indefiniteness for claiming two different classes – apparatus and method. Claim 8 of the '850 Patent recites, in part:

8. A system comprising:

a database adapted to store customer relationship management (CRM) records containing CRM data;

a programmable processor adapted to execute a CRM software application and a spreadsheet software application;

a reporting module installed within the CRM software application, wherein the CRM software application includes a plurality of report toolkits, each report toolkit defining one or more report templates

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wherein the reporting module installed within the CRM software application presents a set of user-selectable database fields as a function of the selected report template, receives from the user a selection of one or more of the user-selectable database fields, and generates a database query as a function of the user selected database fields

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