

Winston & Strawn Trial Attorneys Successfully Defend Swisslog and Translogic

JANUARY 12, 2012

In a January 12, 2012 decision, U.S. District Judge Sue Robinson denied in all respects plaintiff McKesson Automation Inc.'s post-trial motions for a new trial and for judgment as a matter of law. This patent case, filed in 2006, was tried to a jury in March 2011; the jury returned a verdict of non-infringement on all asserted patents. Winston & Strawn attorneys represented the defendants, Swisslog Italia SpA and Translogic Corp., as lead counsel at trial.

The key argument in the post-trial motions raised by McKesson was that defendants' technical expert witness had offered trial testimony inconsistent with the Court's claim construction ruling and that the expert had testified outside the scope of his expert reports proffered during pre-trial discovery. Although Judge Robinson has ordered new trials based upon similar arguments in recent post-trial decisions in other patent cases, McKesson's arguments were rejected. McKesson also argued that the District Judge had failed to construe an important claim term as required by the Federal Circuit in *O2 Micro v. Beyond Innovation Technology Company*. Judge Robinson rejected McKesson's arguments on this point as well.

This decision ends the present hard fought battle at the district court level between competitors in the manufacture and sale of robotic systems for the storage and retrieval of pharmaceutical products at large hospitals.

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