WARD AND SMITH, P.A.
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# Media Mention: NC Lawyers Weekly Highlights Dismissal in Ward and Smith Patent Infringement Case

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Can you patent an abstract idea? The answer is no, according to U.S. District Court Judge Terrence Boyle. In January 2018, Judge Boyle dismissed a lawsuit filed in the Eastern District of North Carolina against an Elizabethtown-based company represented by Ward and Smith. At issue was a patent over the "method of buying and selling an item" through the internet. *North Carolina Lawyers Weekly* recently highlighted the *VOIT Technologies, LLC v. Del-Ton, Inc*. case:

> Plaintiffs patent describes the idea of transmitting compressed images from one computer to another in order to facilitate the buying and selling of goods. But plaintiff was unable to articulate what it is that it has actually invented. Instead, the patent strings together a description of things that already existed and calls that series of steps patent-eligible. It is not.
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> The patent repeatedly discusses image compression, but its text explains that “actual data compression methods employed could include the industry standard JPEG format … or other proprietary or commercially available techniques.” Similarly, the relational databases mentioned were well-established at the time of the patent application.
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> “Creating multiple sets of unique records managed in a unique way” is unexplained, but that may be for the best, as making copies is not an invention. Finally, as plaintiff concedes, the method described is done on general equipment.
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> What’s left is the idea of using these concepts in order to sell products. That is to say, rather than being an asserted improvement in computer capabilities, the patent deals with an abstract idea for which computers are invoked merely as a tool.

The Ward and Smith team appearing in the litigation included Joseph Schouten, Caroline McLean, and Marla Bowman.

You can read the entire article here, behind the paywall.