



ActiveVideo v. Verizon: Patent Infringement Trial Begins in Norfolk Division of the EDVA

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On Tuesday, July 12, ActiveVideo and Verizon began day one of a jury trial before Judge Jackson in the EDVA, Norfolk Division, on claims of patent infringement by both parties. A dispute has arisen from the start, over the admissibility of inventor Leo Hoarty's inventor notebooks. On Wednesday, ActiveVideo filed this [bench memorandum](#), arguing that the inventor notebooks (1) are admissible under the "rule of reason" test, (2) do not need corroboration to be admitted, (3) are not hearsay, and (4) even if they are hearsay, fall under the exceptions for state of mind, ancient documents, business records, and the catchall residual exception.

Earlier in the case, in this [opinion](#), the Court granted in part ActiveVideo's motion for summary judgment on invalidity of patents asserted by Verizon, ruling that claims 1 and 28 of US Patent No. 5,682,325 are invalid as anticipated, and that claims 13 and 20 of US Patent No. 6,381,748 are invalid as anticipated. The Court subsequently [denied](#) Verizon's motion for partial reconsideration of this order regarding the validity of the '748 patent.

The Virginian-Pilot covered day one of the trial [here](#).

See our previous coverage of the case on this blog [here](#).

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