



Motions for Judgment on the Pleadings in Patent Cases

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Patent cases are notoriously expensive to litigate. As a result, more and more parties are turning to Rule 12(c) in an attempt to narrow down issues in the case, or to dismiss the case entirely. In *Monec v. Apple* (which this blog has previously covered [here](#)), the Eastern District of Virginia dismissed the case in its entirety, finding that the plaintiff could not recover based on the claims of the patent as written. And more recently in the Norfolk Division, defendant [Walden University](#) filed a Rule 12(c) motion asserting that certain claims of the patent at issue in its case against Digital-Vending Services International are indefinite, in part because they claim both an apparatus and a method. In addition to arguing that Walden's motion is premature, because the claims have not yet been construed, DVSI has opposed Walden's motion on its merits. The Court has neither set a date for the hearing nor ruled on the motion.

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