

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2007-1257

JOHN R. GAMMINO,

Plaintiff-Appellant,

v.

SOUTHWESTERN BELL TELEPHONE LP,

Defendant-Appellee.

W. Mark Mullineaux, Flamm, Boroff & Bacine, PC, of Blue Bell, Pennsylvania, argued for plaintiff-appellant. With him on the brief were Mark B. Schoeller and Joseph R. Carnicella.

Roger Fulghum, Baker Botts L.L.P., of Houston, Texas, argued for defendant-appellee. With him on the brief were Scott F. Partridge, Shira R. Yoshor, Michael Hawes, Steven J. Mitby, and Robinson Vu. Of counsel on the brief were Timothy G. Newman and Russell W. White, Larson Newman Abel Polansky & White LLP, of Austin, Texas.

Appealed from: United States District Court for the Northern District of Texas

Judge Ed Kinkeade

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United States Court of Appeals for the Federal Circuit

2007-1257

JOHN R. GAMMINO,

Appellant/Plaintiff,

v.

SOUTHWESTERN BELL TELEPHONE, L.P.,

Appellee/Defendant.

Appeal from the United States District Court for the Northern District of Texas,
No. 3:05-CV-0850, Judge Ed Kinkeade

DECIDED: February 27, 2008

Before BRYSON and MOORE, Circuit Judges, and WOLLE, District Judge.*

PER CURIAM.

In a thorough opinion, the United States District Court for the Northern District of Texas held that the asserted claims of the two patents at issue in this litigation, U.S. Pat. No. 5,809,125 and U.S. Pat. No. 5,812,650, are anticipated by prior art and therefore are invalid under 35 U.S.C. § 102(b). We affirm for the reasons stated in the district court's opinion. No purpose would be served by simply retracing the analysis of

* Honorable Charles R. Wolle, Senior District Judge, United States District Court for the Southern District of Iowa, sitting by designation.

the district court, which is fully sufficient to resolve this appeal. In light of our disposition of the invalidity claim, we need not address the district court's ruling on the motion for summary judgment of non-infringement.