

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1496

FENNER INVESTMENTS, LTD.,

Plaintiff-Appellant,

v.

MICROSOFT CORPORATION,

Defendant-Appellee,

and

NINTENDO COMPANY, LTD. and NINTENDO OF AMERICA, INC.,

Defendants-Appellees.

Appeal from the United States District Court for the Eastern District of
Texas in case no. 07-CV-00008, Judge Leonard Davis.

Before NEWMAN, RADER, and LINN, Circuit Judges.

PER CURIAM.

ORDER

The judgment in this case is affirmed. We uphold the district court's grant of summary judgment of no infringement based on the court's determination that there are no genuine issues of material fact and that no reasonable jury could find that the accused devices of Microsoft and Nintendo meet the pulse width limitation of the asserted claims of Fenner's U.S. Patent No. 6,297,751 literally or under the doctrine of equivalents. We need not and do not address Microsoft's alternate ground for

affirmance, nor do we address the question raised by Fenner whether the district court erred in its construction of the claim term “processor.”

FOR THE COURT

March 15, 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Jonathan S. Franklin, Esq.
Ruffin B. Cordell, Esq.
Jerry A. Riedinger, Esq.