

United States Court of Appeals for the Federal Circuit

September 1, 2015

ERRATA

Appeal Nos. 2014-1564, 2014-1705

ALEXSAM, INC.,
Plaintiff-Cross-Appellant

v.

**THE GAP, INC., DIRECT CONSUMER SERVICES,
LLC,**
Defendants-Appellants

Decided: June 16, 2015
Nonprecedential Opinion

Please make the following changes:

On page two, first paragraph, line 11, change “patents-in-suit” to “claims-in-suit”.

On page seven, second paragraph, line 4, change “patents-in-suit” to “claims-in-suit”.

On page nine, last paragraph before subheading A, lines 3–7, replace the sentence

First, we consider whether there is substantial evidence such that the jury could find the SVS system was reduced to practice before July 10, 1997—the filing date of Mr. Dorf’s patent application—and is therefore prior art.

with the following sentence:

First, we consider whether the SVS system was reduced to practice before July 10, 1997—the filing date of Mr. Dorf’s patent application—and is therefore prior art.

On page nine, first paragraph after subheading A, lines 1–4, replace the sentence

Gap’s primary argument on appeal is that the SVS system is prior art that invalidates the patents-in-suit because it was reduced to practice in May 1997, several months before the filing date of the patents-in-suit.

with the following sentence:

Gap’s primary argument on appeal is that the SVS system is prior art that invalidates the claims-in-suit because it was reduced to practice in May 1997, several months before the filing date of the patents-in-suit.

On page nineteen, first full paragraph, lines 1–3, replace the sentence

Alexsam also fails to show reduction to practice of a second element required by both patents-in-suit: transmitting an activation amount from the POS terminal.

with the following sentence:

Alexsam also fails to show reduction to practice of a second element required by the claims-in-suit: transmitting an activation amount from the POS terminal.

On page twenty, subheading ii, change “Patents-in-Suit” to “Claims-in-Suit”.

On page twenty-two, first full paragraph, lines 5–7, replace the sentence

For these reasons, the jury lacked substantial evidence to find the SVS system did not anticipate the patents-in-suit.

with the following sentence:

For these reasons, the jury lacked substantial evidence to find the SVS system did not anticipate the claims-in-suit.