

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

SOPHOS INC.,
Plaintiff-Appellee

v.

**RPOST HOLDINGS, INC., RPOST
COMMUNICATIONS LTD.,**
Defendants-Appellants

2018-1392

Appeal from the United States District Court for the District of Massachusetts in No. 1:13-cv-12856-DJC, Judge Denise J. Casper.

Before DYK, WALLACH, and HUGHES, *Circuit Judges*.

PER CURIAM.

O R D E R

RPost Holdings, Inc. and RPost Communications Ltd. (collectively, “RPost”) alleged that Sophos Inc. infringed claims 14, 19, 24, 26, 27 and 30 of U.S. Patent No. 8,504,628 (“the ’628 patent”). The United States District Court for the District of Massachusetts granted summary judgment to Sophos, holding that the asserted claims are invalid because they are anticipated by two prior art references, U.S.

Patent No. 6,609,196 (“Dickinson”) and U.S. Patent No. 7,233,992 (“Muldoon”).

We agree that the asserted claims are anticipated by Dickinson and affirm the invalidity of the asserted claims on that basis. However, the district court’s Memorandum and Order granting summary judgment contained language suggesting that *all* claims of the ’628 patent are invalid. *See* J.A. 42 (“[T]he Court concludes that the ’628 patent is invalid.”) The parties agree that the district court’s judgment of invalidity must be limited to the asserted claims.

Accordingly,

IT IS ORDERED THAT:

1. The judgment of invalidity of claims 14, 19, 24, 26, 27 and 30 of the ’628 patent is affirmed.
2. The case is remanded for the district court to revise its judgment to clarify that the declaration of invalidity is limited to claims 14, 19, 24, 26, 27, and 30 of the ’628 patent.

FOR THE COURT

March 14, 2019
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court