

12-786 LIMELIGHT NETWORKS, INC. V. AKAMAI TECHNOLOGIES

DECISION BELOW: 692 F.3d 1301

LOWER COURT CASE NUMBER: 2009-1372, 2009-1380, 2009-1416, 2009-1417, 2010-1291

QUESTION PRESENTED:

Akamai holds a patent claiming a method involving redirecting requests for Internet content and selecting optimal servers. The Federal Circuit acknowledged that neither Limelight nor customers using Limelight's service directly infringe Akamai's patent under 35 U.S.C. § 271(a) because no one performs all the steps of the patented method. App. 6a, 30a. The Federal Circuit nevertheless held that Limelight could be liable, under 35 U.S.C. § 271(b), for inducing infringement if (1) it knew of Akamai's patent; (2) it performed all but one of the steps of the method; (3) it induced its customers to perform the final step of the claimed method; and (4) the customers performed that step. App. 30a. The question presented is:

Whether the Federal Circuit erred in holding that a defendant may be held liable for inducing patent infringement under 35 U.S.C. § 271(b) even though no one has committed direct infringement under § 271(a).

JUSTICE ALITO TOOK NO PART. JANUARY 17, 2014, JUSTICE ALITO WILL TAKE PART.

CERT. GRANTED 1/10/2014