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Aerotel v. Wavecrest, Court of Appeal Civil Division (Court of Appeal Civil Division), 20 May 2009

Sam Tuxford · Wednesday, May 20th, 2009 · Landmark European Patent Cases

The Court of Appeal upheld the High Court's finding that Aerotel's Patent relating to a method of making pre-paid landline telephone calls was invalid for want of inventive step over the principal prior art (the WATS system). Having made this finding it was unnecessary to consider Aerotel's other grounds of appeal. Further, Aerotel's arguments of commercial success were rejected on the basis that its evidence did not establish that any telephone pre-payment businesses relied on the Patent's teaching; although businesses did enter into license agreements under the Patent the evidence did not establish that they did so for any reason other than for the avoidance of the inherent risks of litigation (so-called 'nuisance' payments).

The full summary of this case has been published on [Kluwer IP Law](#).

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