
Kluwer Patent Blog

Patent case: Pirri v. Cheek, USA

Thomas Long (Wolters Kluwer Legal & Regulatory US) · Monday, April 12th, 2021

Plaintiff's arguments before the district court were often objectively unreasonable or frivolous; the frivolous nature of his appeal also warranted sanctions against plaintiff and his counsel of appellate fees and double costs.

An individual who asserted that he was the co-inventor of a patent directed to a method of "reverse online dating" must pay the attorney fees incurred by one of the named inventors and her company, who successfully defended against the individual's claims for joint inventorship and various state law torts, including fraud and defamation. According to the U.S. Court of Appeals for the Federal Circuit, the federal district court in New York City correctly determined that the case was "exceptional" for purposes of the Patent Act's fee-shifting provision, based on the "sheer lack of colorable factual (or legal) support" for the claims, as well as for making, through counsel, "tendentious, bizarre, non-responsive and caustically accusatory arguments." The Federal Circuit also held that the defendants were entitled to sanctions in the form of appellate attorney fees and double costs, against both the complaining individual and his legal counsel (*Pirri v. Cheek*, March 22, 2021, per curiam).

Case date: 22 March 2021

Case number: No. 2020-1959

Court: United States Court of Appeals, Federal Circuit

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

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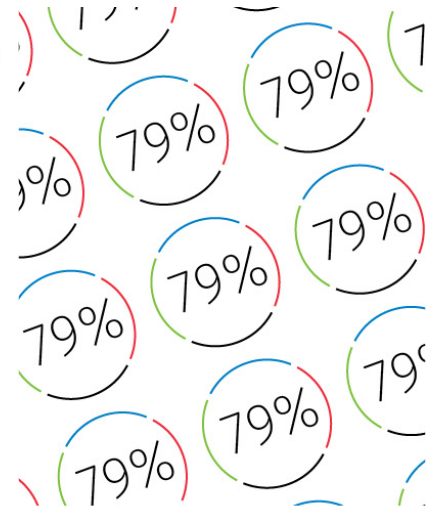
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