

Airwatch Succeeds in Remand Motion of Good Technology Claims: Good to Go

Article By:

Intellectual Property

The remand and dismissal motions of Airwatch LLC (“Airwatch”) and Good Technology Corporation and Good Technology Software, Inc. (“Good”), respectively, were the subject of an earlier post. Judge Duffey’s Opinion and Order provides a more extensive procedural history and case authority analysis which may be of significance to future decisions distinguishing close calls where a case raises substantial patent issues which must be determined in federal court or falls short of that requirement.



The opinion recites Good’s alleged false and misleading statements, which appear to portray an aggressive public relations campaign augmenting patent infringement allegations in a pending California action [see related case site below]. Without addressing the merits of those allegations or whether their assertion was barred by *res judicata* (Airwatch failed to timely asserted them as a counterclaim, if compulsory assertion was required), the Court began its analysis of jurisdiction with a quote from *Gunn v. Minton*, 133 S.Ct. 1059, 1065 (2013) (citing *Grable & Sons Metal Prods., Inc. v. Darue Eng’g & Mfg.*, 545 U.S. 308, 314 (2005)), noting jurisdiction only existed “if a federal [patent] issue is: (1) necessarily raised, (2) actually disputed, (3) substantial, and (4) capable of resolution in federal court without disrupting the federal-state balance approved by Congress.”

Judge Duffey determined that Good failed to meet three of the four *Gunn* requirements. The Court did not address the “actually disputed” requirement, and it is noted that an actual dispute over patent infringement is currently pending in California. With regard to the “necessarily raised” and “substantial” requirements, the Court engaged in a thorough examination of the alleged facts and the authority cited by each side and employed the reasoning of *MDS (Canada) Inc. v. Rad Source Techs*,

Inc., 720 F.3d 833 (11th Cir. 2013) as instructive in reaching the opinion, citing to the case 11 times in the Order. The fourth factor was addressed briefly in footnote 5.

Finding that there was no subject-matter jurisdiction, the Court did not consider Good's Motion to Dismiss.

The Opinion and Order was entered April 24, 2014, in *AirWatch LLC v. Good Technology Corporation, and Good Technology Software, Inc.*, No. 1:13-cv-002870-WSD, filed 08/28/13 in the U.S. District Court for the Northern District of Georgia, Atlanta Division, by U.S. District Judge William S. Duffey, Jr.

The related case is: *Good Technology Corporation and Good Technology Software, Inc. v. AirWatch LLC*, No. CV12-05827(HRL), filed 11/14/12 in the U.S. District Court for the Northern District of California, San Jose Division, assigned to U.S. District Judge Edward J. Davila.

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