

Fantasy Sports Properties, Inc. v. Sportsline.com, Inc. et al.

287 F.3d 1108 (Fed. Cir. 2002)

Authored by Aaron Kalina

Fantasy Sports Properties, Inc. ("Fantasy") sued Sportsline.com, Inc. ("Sportsline"), Yahoo! Inc. ("Yahoo!"), and ESPN/Starwave ("ESPN") in federal district court, alleging patent infringement by the defendants regarding their online fantasy football games. Fantasy claimed the defendants used its patented "bonus points" as part of their leagues' standard scoring systems. Fantasy appealed the district court's grant of summary judgment for defendants to the Federal Circuit Court of Appeals.

The Court held the term "bonus points" meant additional points awarded beyond those given in an actual football game for unusual scoring plays. Essentially, the limitation covered only points awarded when a player scores in a manner not typically associated with his position. This narrow limitation, however, required additional points to be awarded for unusual scoring plays, allowing the defendants to award points for scoring plays not typically associated with a player's position. So if a kicker scored a touchdown, the defendants would only infringe upon Fantasy's patent if they awarded more than the standard six points for the score.

The Court then applied the "bonus points" definition to the three defendants individually. The court determined Yahoo! used "miscellaneous points" similar to Fantasy's "bonus points," but that Yahoo! awarded no additional points under those "miscellaneous points." Therefore, Yahoo! did not infringe upon Fantasy's patent and summary judgment was correctly entered in Yahoo!'s favor.

ESPN's fantasy football game awarded quarterbacks four points for a passing touchdown and six points for a rushing or receiving touchdown. Fantasy argued the two extra points awarded for a rushing or receiving touchdown constituted "bonus points" and infringed upon their patent. The Court decided, however, that six points is the standard scoring for rushing and receiving touchdowns. As such, ESPN did not infringe upon Fantasy's patent and summary judgment was also correctly awarded in ESPN's favor.

Finally, the Court determined the district court erred in granting summary judgment in favor of Sportsline's Commissioner.com tool, but correctly granted it regarding their actual fantasy football game. Commissioner.com was software designed by Sportsline to allow users to customize the scoring options for fantasy football leagues. Fantasy provided models showing that the ability to create scoring options using Commissioner.com was nearly identical to Fantasy's "bonus points." Accordingly, a general issue of material fact existed as to whether Commissioner.com infringed upon Fantasy's "bonus points" patent. The Court said that in a further infringement analysis, it must be shown that Commissioner.com must include a means for scoring bonus points, whether that means is activated by the software user or not, to find actual infringement of the "bonus points" patent. The Court vacated the grant of summary judgment for Sportsline and remanded the case to the district court with instructions to perform a direct infringement analysis regarding Commissioner.com.

The Court limited Fantasy's patent to cover only additional points awarded above the standard scoring for player scoring methods not typically associated with their position. The Court then affirmed the grant of summary judgment entered in favor of Yahoo!, ESPN, and Sportsline regarding their fantasy football games because they did

not infringe upon Fantasy's patent as a matter of law. However, summary judgment was improper over Sportsline's Commissioner.com software because it provided capabilities for using a scoring system identical to the "bonus points" patented by Fantasy. As a result, the Court affirmed in part and vacated and remanded in part.