

Polsinelli Secures Federal Circuit Win for TCO in Patent Appeal

(Oct. 5, 2026) Polsinelli secured a significant appellate victory for client TCO Group (TCO) before the U.S. Court of Appeals for the Federal Circuit, which vacated a judgment that two asserted patent claims were not invalid and remanded the matter for further proceedings.

The appeal arose from patent litigation brought by NCS Multistage Inc. and NCS Multistage LLC in the U.S. District Court for the Western District of Texas involving U.S. Patent No. 10,465,445 and technology used in oil and gas well operations. Following trial, a jury found that TCO infringed claims 28 and 29 of the patent and that the claims were not invalid. The district court subsequently entered final judgment.

On appeal, TCO challenged, among other issues, the district court's construction of the patent term "casing string" and the resulting invalidity determination. Applying its new construction of "casing string" from a related appeal decided the same day, the Federal Circuit vacated the judgment of no invalidity and remanded for further proceedings. The court determined that the district court is better positioned to assess the invalidity record in the first instance under the new construction.

The ruling sends the invalidity issue back to the district court for further proceedings under the Federal Circuit's new construction of "casing string." The court affirmed the district court's judgment of contributory infringement.

Polsinelli Shareholder Jonathan R. Spivey argued the appeal on behalf of TCO. The Polsinelli appellate team also included Shareholders Peter G. Thurlow, LaTasha M. Snipes, Darren E. Donnelly and James P. Murphy. Additional support was provided by Associates Clement A. Asante, MacGregor Greenlee and Bobbie J. Horocofsky.

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