

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Lexos Media IP, LLC v. Overstock.com, Inc.

No. 22-2324-JAR (D. Kan. Mar. 9, 2026) · No. 22-2324-JAR · Decided March 9, 2026

SUMMARY

The United States District Court for the District of Kansas grants Overstock.com, Inc.’s motion for summary judgment in Lexos Media IP, LLC’s patent infringement action involving cursor-image modification technologies. The court holds that Lexos’s enforcement of the ’241 Patent is barred by collateral estoppel based on a prior decision finding that patent invalid for failure to properly claim priority. The court also grants summary judgment on the ’102 and ’449 Patent claims based on the asserted infringement opinions’ failure to apply the court’s claim construction, and finds the Daubert motion regarding damages testimony moot.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Julie A. Robinson
JURISDICTION	United States District Court for the District of Kansas
DECIDED	March 9, 2026
DOCKET	22-2324-JAR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought three patent-infringement claims. The court considered Defendant's motion for summary judgment and a Daubert motion to exclude Plaintiff's technical expert.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. The court views the evidence and reasonable inferences in favor of the nonmovant. Claim construction is a question of law, while infringement under properly construed claims is a question of fact.
PRECEDENTIAL VALUE	unpublished
PARTIES	Lexos Media IP, LLC v. Overstock.com, Inc.

TOPICS

- patent infringement
- summary judgment
- intellectual property
- civil procedure
- commercial litigation

PRACTICE AREAS

patent law

patent infringement

civil procedure

commercial litigation

QUESTIONS PRESENTED

1. Whether collateral estoppel barred Lexos from relitigating the validity of the '241 patent based on its failure to claim priority to the '102 patent.
2. Whether Overstock was entitled to summary judgment of noninfringement of the '102 and '449 patents because Lexos lacked admissible evidence establishing infringement under the court's claim construction.
3. Whether Lexos's infringement theory was incompatible with the court's construction of 'cursor image.'

HOLDINGS

1. Defensive collateral estoppel applied because the validity and priority issue had been previously and finally adjudicated, involved the same party, and Lexos had a full and fair opportunity to litigate it. Lexos was therefore precluded from relitigating whether the '241 patent claimed priority over the '102 patent.
2. Overstock was entitled to summary judgment on the '102 and '449 patent infringement claims because Lexos did not identify admissible evidence from which a reasonable jury could find infringement under the court's claim construction.
3. Lexos's theory was incompatible with the court's construction of 'cursor image' because a single movable image must both have a position controlled through a user interface and indicate where user input can be received; separate images could not satisfy different portions of that construction.

KEY QUOTATIONS

“The Court finds that Overstock has met its burden of demonstrating that the collateral estoppel elements are met.” (III.A.4)

“Because Overstock has established all of the collateral estoppel elements, Lexos is precluded from relitigating the issue of the '241 Patent’s validity on the basis that it did not establish priority over the '102 Patent.” (III.A)

“Under this Court’s claim construction, “cursor image” is drafted in the singular tense and makes clear that the moveable image (singular) has a position that can be controlled through a user interface and indicates where user input can be received.” (III.B.2)

FACTUAL BACKGROUND

Lexos owns the '102, '449, and '241 patents, which concern modifying a cursor image on a website, and alleged that Overstock's website hover-zoom functionality infringed specified claims. The '102 and '449 patents had expired before suit, and the '241 patent's priority claim to the '102 patent had been rejected in prior litigation involving eBay, resulting in a determination that the '241 patent was invalid. Lexos's technical expert treated a

combination of the zoom lens, pointing-hand cursor, product image, and zoom image as the modified cursor image, but his opinion applied an incorrect claim construction.

PROCEDURAL HISTORY

Lexos sued Overstock in the District of Kansas for allegedly infringing the '102 and '449 patents and later amended its complaint to add the '241 patent. Overstock moved for summary judgment on all claims and moved to exclude the testimony of Lexos's expert. The court granted summary judgment for Overstock, found the Daubert motion moot, and directed entry of final judgment.

DISPOSITION

other

CASES CITED

- City of Harriman v. Bell, 590 F.3d 1176, 1181 (10th Cir. 2010)
- Bones v. Honeywell Int'l, Inc., 366 F.3d 869, 875 (10th Cir. 2004)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 256 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 327 (1986)
- Parklane Hosiery Co. v. Shore, 439 U.S. 322, 326, 329, 331 (1979)
- Ohio Willow Wood Co. v. Alps S., LLC, 735 F.3d 1333, 1342 (Fed. Cir. 2013)
- Stan Lee Media, Inc. v. Walt Disney Co., 774 F.3d 1292, 1297-99 (10th Cir. 2014)
- Murdock v. Ute Indian Tribe of Uintah & Ouray Rsrv., 975 F.2d 683, 687 (10th Cir. 1992)
- Blonder-Tongue Labs., Inc. v. Univ. of Ill. Found., 402 U.S. 313, 332-33, 349-50 (1971)
- Droplets, Inc. v. E*TRADE Bank, 887 F.3d 1315, 1316-17 (Fed. Cir. 2018)
- United States v. Arterbury, 961 F.3d 1095, 1103 (10th Cir. 2020)
- United States ex rel. DiGiangiemo v. Regan, 528 F.2d 1262, 1265 (2d Cir. 1975)
- Soverain Software LLC v. Victoria's Secret Direct Brand Mgmt., LLC, 778 F.3d 1311, 1316 (Fed. Cir. 2015)
- Miss. Chem. Corp. v. Swift Agr. Chems. Corp., 717 F.2d 1374, 1377, 1379 (Fed. Cir. 1983)
- Wallace B. Roderick Revocable Living Trust v. XTO Energy, Inc., 725 F.3d 1213 (10th Cir. 2013)
- In re Cygnus Telecomms. Tech., LLC Patent Litig., 536 F.3d 1343, 1349-50 & n.1 (Fed. Cir. 2008)
- Dynacore Holdings Corp. v. U.S. Philips Corp., 363 F.3d 1263, 1273 (Fed. Cir. 2004)
- TechSearch, L.L.C. v. Intel Corp., 286 F.3d 1360, 1371-72 (Fed. Cir. 2002)
- Netword, LLC v. Centraal Corp., 242 F.3d 1347, 1353 (Fed. Cir. 2001)
- Centricut, LLC v. Esab Grp., Inc., 390 F.3d 1361, 1370 (Fed. Cir. 2004)
- Intell. Sci. & Tech., Inc. v. Sony Elecs., Inc., 589 F.3d 1179, 1183 (Fed. Cir. 2009)
- Gemtron Corp. v. Saint-Gobain Corp., 572 F.3d 1371, 1380 (Fed. Cir. 2009)
- GE Lighting Sols., LLC v. AgiLight, Inc., 750 F.3d 1304, 1312 (Fed. Cir. 2014)
- Invitrogen Corp. v. Clontech Lab'ies, Inc., 429 F.3d 1052, 1068 (Fed. Cir. 2005)

- O2 Micro Int'l Ltd. v. Beyond Innovation Tech. Co., 521 F.3d 1351, 1360 (Fed. Cir. 2008)
- In re Varma, 816 F.3d 1352, 1362-63 (Fed. Cir. 2016)
- ATEN Int'l Co. v. Uniclass Tech. Co., 932 F.3d 1364, 1370 (Fed. Cir. 2019)
- Egenera, Inc. v. Cisco Sys., Inc., 141 F.4th 1350, 1361-62 (Fed. Cir. 2025)
- Lexos Media IP, LLC v. Amazon.com, Inc., Nos. 22-CV-00169, 22-CV-00175, 22-CV-00273, 2023 WL 9503461, at *4, *6 (E.D. Tex. Dec. 13, 2023)

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