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Recent News in Intellectual Property

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In This Issue

- **Microsoft Wins Xbox Live Infringement Case**
- **Lexmark Files Complaint at ITC and Federal Court**
- **Oracle Sues Google over Java Use in Android OS**
- **Nvidia and Rambus Sign License Agreement**
- **Silicon Labs Sues Airoha Technology**

Microsoft Wins Xbox Live Infringement Case

Bloomberg news reported that Microsoft Corp. has won a long-standing legal action in which Michigan-based inventors and a holder of U.S. Patent No. 5,292,125 accused Microsoft and Sony of violating a patent related to online multiplayer gaming with popular Xbox LIVE and PlayStation 2 consoles. After Microsoft introduced Xbox LIVE in 2002, the inventors of the '125 patent alleged that the technology infringed on their patent and brought a lawsuit against Microsoft and Sony in 2004, reportedly seeking royalties and an injunction against the continued use of the technology. Sony reportedly settled with the plaintiffs out of court in April 2009. The '125 patent, which issued in 1994 and is entitled "Apparatus and method for electrically connecting remotely located video games," reportedly allows two or more players playing the same video game to compete with each other without using the same physical video game, which alleviates the necessity of proximity of the players. The United States District Court for the Eastern District of Michigan found that Xbox Live does not use an electrical connection for communication, as the '125 patent describes. The case was reportedly dismissed and Microsoft could collect legal fees from the plaintiffs. The plaintiffs have reportedly filed a notice to appeal the ruling to the U.S. Court of Appeals for the Federal Circuit.

Lexmark Files Complaint at ITC and Federal Court

The Wall Street Journal reported that Kentucky-based printer maker Lexmark International Inc. has filed a complaint before the U.S. International Trade Commission (ITC), alleging that 24 companies infringe certain claims in at least 15 Lexmark patents by making, importing, and selling replacement inkjet and toner cartridges for Lexmark printers and multifunction devices. The complaint reportedly requests that respondents' allegedly patent-infringing products be banned from import and sale in the U.S. Lexmark simultaneously filed a lawsuit in the U.S. District Court for the Southern District of Ohio, reportedly against the same 24 firms, mostly Asian companies, including Ninestar Image of China and Jahwa Electronics of South Korea. Lexmark is seeking an injunction on the sale of the alleged products, monetary damages, and attorneys' fees. According to the complaint, the asserted patents are U.S. Patent Nos. 5,337,032; 5,634,169; 5,758,233; 5,768,661; 5,802,432; 875,378; 6,009,291; 6,078,771; 6,397,015; 6,459,876; 6,816,692; 6,871,031; 7,139,510; 7,233,760; and 7,305,204.

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Oracle Sues Google over Java Use in Android OS

Oracle Corp., a maker of database software and business technologies, filed a lawsuit against Google Inc., alleging that Google's use of Java software in Android's mobile device operating system violates Oracle's patents and copyrights, the Associated Press reported. Last year, Oracle reportedly became the owner of Java when it acquired for \$5.6 billion Sun Microsystems Inc., which originally created the Java programming language in the mid-1990s. Google's Android operating system reportedly includes a Dalvik virtual machine, which is a Java-compatible register-based system developed independently of a Java virtual machine. A few years prior to the acquisition by Oracle, Sun reportedly released key elements of the Java code to the public under an open-source license that allows others to use it freely. Oracle alleges that "Android (including without limitation the Dalvik VM and the Android software development kit) and devices that operate Android infringe one or more claims of each of United States Patent Nos. 6,125,447; 6,192,476; 5,966,702; 7,426,720; RE38,104; 6,910,205; and 6,061,520," according to the complaint filed in the U.S. District Court for the Northern District of California. The copyright count reportedly alleges that Google and some of its partners have used Java code out of compliance with Java licensing requirements. In a statement, Oracle reportedly said that in developing Android, Google knowingly, directly, and repeatedly infringed Oracle's Java related intellectual property. Oracle is reportedly seeking an injunction and unspecified damages, including treble damages for willful infringement. Google's Android software, which was first released in late 2008, is used in mobile phones and smartphones produced by vendors including HTC, Motorola, Samsung, and Sony Ericsson.

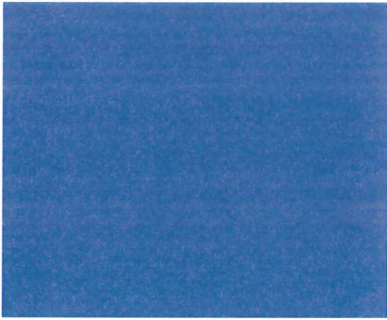
Nvidia and Rambus Sign License Agreement

According to a report by Reuters, technology licensing company Rambus Inc. and graphics chip designer Nvidia Corp. have signed a patent license agreement concerning memory controller technologies.

The agreement was reportedly signed following a decision by the U.S. International Trade Commission (ITC) in July that Nvidia had infringed three Rambus patents (U.S. Patent Nos. ,470,405, 6,591,353 and 7,287,109) that are related to graphics processor technology, resulting in Nvidia facing a ban on using its own graphics chips. The ITC reportedly found no infringement of two other asserted Rambus patents (U.S. Patent Nos. 7,177,998 and 7,210,016). The two firms reportedly still have some litigation pending, but both firms have not signed any releases of liability, nor dismissed any outstanding litigation between them. In July 2008, Rambus sued Nvidia in the U.S. District Court for the Northern District of California, alleging that 6 of Nvidia's product lines infringe 17 Rambus patents. That lawsuit, and Nvidia's countersuit, as well as reexamination of 15 Rambus patents at the U.S. Patent and Trademark Office are ongoing. The agreement reportedly gives Nvidia a patent license for particular memory controllers at a 1 per cent royalty rate for SDR memory controllers and a 2 per cent royalty rate for other specific memory controllers, including DDR, DDR2, DDR3, LPDDR, LPDDR2, GDDR2, GDDR3, GDDR4, and portions of GDDR5 memory controllers.

Silicon Labs Sues Airoha Technology

Texas-based Silicon Laboratories Inc. has filed a lawsuit against Airoha Technology Corporation, a Taiwan-based integrated circuits (ICs) chip



maker and a subsidiary of handset chip designer MediaTek Inc. The complaint was filed with the U.S. District Court for the Western District of Texas, according to a report by CNBC. Silicon Labs, a mixed-signal and wireless IC developer, reportedly alleges that Airoha infringes two patents (U.S. Patent Nos. 6,226,506 and 6,233,441) that it owns relating to mixed-signal integrated circuits with frequency modulation receiver products. Silicon Labs is reportedly seeking a permanent injunction against the allegedly infringing products.

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