



Greenblum & Bernstein, P.L.C. INFORMATION TECHNOLOGY NEWSLETTER Recent News in Intellectual Property

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Kodak Scores Second Victory in Digital Imaging Suits

According to the Associated Press, a judge for the International Trade Commission reportedly found in an initial determination that Kodak did not infringe two Apple, Inc., digital imaging patents. The judge reportedly further ruled that one of Apple's patents (U.S. Patent No. 6,031,964) is invalid for lacking in domestic industry. Apple had sought to show that several series of Kodak digital cameras and certain models of Kodak video cameras infringe two Apple patents for providing multiple image processors to control an image's balance, color, sharpness, or resolution (the '964 patent), and for processing data and managing power usage while storing data (U.S. Patent No. RE 38,911). Details of the determination are subject to review by the full Commission. The case is *In the Matter of Certain Digital Imaging Devices and Related Software* (Inv. No. 337-TA-717).

Apple, Hewlett-Packard Named in Wireless Device Suit

Linex Technologies has reportedly filed a complaint with the International Trade Commission alleging that five companies infringe two Linex-owned patents for wireless communications, according to a report by Bloomberg. The patents at issue are U.S. Patent Nos. 6,757,322 and RE 42,219, which are related to one another, and are reportedly directed to methods of transmitting a wireless signal which resists fading or distortion. Among the accused infringers are Apple, Inc., and Hewlett-Packard Co., whose MacBook and Pavilion laptop models are named as utilizing the patented technology. The complaint is *In the Matter of Certain Wireless Communication Devices and Systems*, Complaint No. 2802. Linex has also filed a parallel civil suit in the district court of Delaware.

License Agreement Ends TiVo Feud with DISH and EchoStar

After five years of legal action, TiVo has reportedly settled with defendants DISH Network and EchoStar Corporation over their disputed use of DVR technology. Marketwire reported that the companies have agreed to a cross-licensing deal costing a total of \$500 million over the next six years. The agreement reportedly grants DISH Network and EchoStar Corporation access to TiVo's "Time Warp patent" for the remaining life of the patent and also opens access for TiVo to DVR-related patents in EchoStar's portfolio. The TiVo patent at issue, the so-called "Time Warp patent," is U.S. Patent No. 6,233,389, which describes a method for temporarily storing a televised broadcast for later playback while simultaneously watching a different broadcast.

Judge Finds No Infringement in *Elan v. Apple Touchscreen Suit*

A judge for the International Trade Commission has reportedly issued an initial determination finding that Apple, Inc., touchscreen-enabled devices, such as the iPhone, iPod Touch, and iPad, do not violate Elan Microelectronics' patents. The principal patent at issue is U.S. Patent No. 5,825,352 ("Multiple Fingers Contact Sensing Method for Emulating Mouse Buttons and Mouse Operations on a Touch Sensor Pad"), directed to multi-touch sensing on a touchscreen. According to ITCBLOG.com, the judge reportedly ruled that the claim construction implied sequential

sensing of multiple touches, which was deemed inapplicable to the technology relied upon in the Apple devices cited in the complaint. The case will now go to review before the full Commission, which is expected to issue a final decision in August. The case is *In the Matter of Certain Electronic Devices with Multi-Touch Enabled Touchpads and Touchscreens* (337-TA-714).

Zenith Challenges Sony Television Technology

Zenith Electronics has filed two new complaints against Sony Corporation, according to a report on ITCBLOG.com. One complaint, filed with the International Trade Commission, reportedly alleges that Sony's Bravia televisions infringe on technology Zenith claims is essential to interpreting American digital television transmission standards. The patents cited in that complaint are U.S. Patent Nos. 5,598,220; 5,629,958; and 5,636,251. Zenith also reportedly filed suit in federal court over two different patents (U.S. Patent Nos. 5,565,932 and 5,406,587), also targeting Sony's Bravia televisions. Zenith has reportedly stated that Sony previously had licenses to the patents-in-suit, but that those licenses have since expired and that Sony continues to produce, import, and sell products which make use of the technology. The International Trade Commission complaint is *In the Matter of Certain Electronic Devices Having a Digital Television Receiver*.

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