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Recent News in Intellectual Property

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Patent Reform Signed into Law

President Barack Obama signed into law the Leahy-Smith Patent Reform bill, bringing many changes to a patent law system which has not been formally updated since the last such act of legislation in 1952. According to statements released by the White House, one of President Obama's stated goals for the legislation is to help inventors patent and market their inventions sooner, which he reportedly hopes will create new jobs and stimulate the country's economic growth. A fee increase of approximately 15%, which went into effect on September 26, is hoped to generate additional funds that the U.S. Patent and Trademark Office reportedly intends to channel toward the hiring of more Patent Examiners and the opening of satellite Patent Offices to help tackle the backlog of applications, many of which have been waiting for examination on the merits for years. The legislation also shifts the U.S. from a "first-to-invent" system of patent grants to a "first-to-file" system, reportedly in an effort to streamline the use abroad of patents gained in the U.S. by American inventors. In addition, changes to litigation practices will go into effect for any proceedings pending on or after enactment of the law, with the exception of false marking suits. For such suits, all pending litigation will immediately fall under the new standards, which no longer view marking of expired patents as a violation and which allow so-called virtual marking of patent information.

Nokia Outsources Patent Portfolio Management

Nokia recently transferred thousands of patents to an outside patent holding company, according to a report by Bloomberg. Although the vast majority of Nokia's patent portfolio, reportedly numbering more than 30,000 patents, will remain with the company, the cell phone manufacturer has reportedly sold a portion of its holdings to Mosaid Technologies Inc., a Canadian company. Under the terms of the sale, Mosaid will reportedly retain a percentage of revenue earned from the transferred patents through licensing, while granting the majority of revenue to Nokia, essentially managing licensing and litigation related to the patents on Nokia's behalf. The transfer will reportedly not affect any licenses to essential patents already negotiated with Nokia.

HTC Renews Apple Litigation with Google-Acquired Patents

Bloomberg has reported that HTC Corporation, which played a major role in popularizing the Android mobile phone operating system in the U.S., has brought a new infringement lawsuit against its rival Apple Inc. in a Delaware federal court. The suit reportedly cites four patents among several that HTC acquired only days earlier from Google Inc. The case is *HTC Corporation v. Apple Inc.*, Case No. 1:11-cv-00785 in the District Court of Delaware. The patents-in-suit are U.S. Patent Nos. 5,418,524; 5,630,152; 5,630,159; and 5,302,947. HTC also amended a complaint it had filed with the International Trade Commission (ITC) in mid-August to include five other patents recently acquired from Google, mainly directed toward interface features such as status bars and a character display. The ITC complaint is *In the Matter of Certain Electronic Devices with Communication Capabilities*, Complaint No. 2841.

Nintendo Wii Faces Copycat Charge from ThinkOptics

ThinkOptics Inc. has filed a lawsuit against Nintendo Co., Ltd., and Nintendo

of America, alleging willful infringement of their optical remote sensing system by the gaming giant's Wii game system, according to a report by Law360. The lawsuit reportedly asserts that certain Nintendo patent applications were rejected based on a ThinkOptics patent, arguing that Nintendo was thereby given notice that one or more of their products may infringe on patented technology. According to the complaint filed with the Eastern District of Texas, Nintendo's core Wii game system and its peripherals such as controllers, sensor bars, and games all allegedly infringe three patents owned by ThinkOptics: U.S. Patent Nos. 7,796,116 (the patent allegedly cited during prosecution of certain Nintendo applications, entitled "Electronic equipment for handheld vision based absolute pointing system"), 7,852,317 ("Handheld device for handheld vision based absolute pointing system"), and 7,864,159 ("Handheld vision based absolute pointing system"). According to ThinkOptics' complaint, the three patents claim priority to a provisional application filed in January 2005. The lawsuit also reportedly includes retailers selling the Wii and its associated products, as well as peripheral developers for the game system. The case is *ThinkOptics Inc. v. Nintendo of America, Inc. et al.*, Case No. 6:11-cv-00455 in the Eastern District of Texas.

Motorola, Sony, Dell Sued over Remote Power Patent

A new patent infringement suit has been brought against sixteen manufacturers of networking equipment, including Dell Inc., Motorola Solutions Inc., Samsung Electronics Co., Ltd., and Sony Electronics Inc., according to a report by PR Newswire. The lawsuit, filed in district court by Network-1 Security Solutions Inc. reportedly asserts that the named companies have rebuffed or ignored attempts by Network-1 to license its core technology for so-called "power over Ethernet." The patent reportedly cited in the complaint is U.S. Patent No. 6,218,930, entitled "Apparatus and method for remotely powering access equipment over a 10/100 switched Ethernet network." According to the PR Newswire report, Network-1 previously initiated similar litigation against nine other companies such as Cisco Systems Inc. and 3Com Corporation Inc., all of whom have reportedly settled for licensing agreements. The case is *Network-1 Security Solutions Inc. v. Alcatel-Lucent YSA Inc. et al.*, Case No. 11-cv-492 in the Eastern District of Texas.

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