



# Greenblum & Bernstein, P.L.C.

## INFORMATION TECHNOLOGY NEWSLETTER

### Recent News in Intellectual Property

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### Nokia Files Second Round of Complaints against Apple

Nokia Corporation filed a new complaint with the International Trade Commission (ITC), which cites seven new patents that Nokia alleges are being infringed by its rival Apple Inc., the Wall Street Journal has reported. These patents reportedly address multitasking operating systems, data synchronization, positioning, call quality, and the use of Bluetooth accessories, all of which Nokia alleges are being utilized without license in Apple's iPhone and other devices. The complaint was reportedly filed in direct response to an initial ITC ruling on Nokia's earlier complaint against Apple, filed in late 2009, citing five different patents, which the ITC found were not infringed by Apple. The 2009 complaint is *Certain Electronic Devices, Including Mobile Phones, Portable Music Players, and Computers* (Inv. No. 337-TA-701). The new complaint is *In the Matter of Electronic Devices, Including Mobile Phones, Mobile Tables, Portable Music Players and Computers* (Complaint No. 2792).

### FlashPoint's Digital Camera Complaint Stands

FlashPoint Technology, Inc., has reportedly won an initial victory in its complaint against cell phone manufacturers Nokia, Research In Motion, HTC, and LG Electronics, according to ITC 337 Law Blog. The defendant corporations reportedly attempted to deflect the International Trade Commission (ITC) investigation by arguing that FlashPoint's relevant domestic industry postdated the filing of the complaint. The judge in the case determined, however, that FlashPoint's domestic industry existed before the close of discovery and was therefore relevant to the investigation. The original complaint alleges that the four cell phone manufacturers unlawfully import and sell electronic imaging devices that infringe on FlashPoint's U.S. Patents, Nos. 6,134,606 ("System/Method for Controlling Parameters in Hand-Held Digital Camera with Selectable Parameter Scripts, and with Command for Retrieving Camera Capabilities and Associated Permissible Parameter Values"); 6,163,816 ("System and Method for Retrieving Capability Parameters in an Electronic Imaging Device"); and 6,262,769 ("Method and System for Auto Rotating a Graphical User Interface for Managing Portrait and Landscape Images in an Image Capture Unit"). The ITC case is *Certain Electronic Imaging Devices* (Inv. No. 337-TA-726).

### AT&T, Verizon, and 21 Other Companies Sued over VoIP

Bear Creek Technologies, a small Alabama telecommunications company, has reportedly filed suit in district court against 23 defendants over its newly-granted voice over internet protocol (VoIP) technology patent, according to MSNBC.com. The application for patent was filed in 1996, but did not issue until February 15 of this year as U.S. Patent No. 7,889,722. The patent, entitled "System for Interconnecting Standard Telephony Equipment to Internet Protocol Networks," is reportedly directed to allowing standard telephone equipment used by large telecommunications companies to interconnect with the internet. Due to its very early filing date and delayed issuance, the patent has reportedly caught the defendant telecommunications companies by surprise, according to

reports. The 23 companies named in the suit include AT&T, Verizon, T-Mobile, Charter Communications, and Time-Warner Cable.

### Ogma LLC Begins Multi-Pronged Litigation Offensive

Ogma LLC has reportedly begun a flurry of litigation surrounding two core patents in its portfolio, according to reports by Law360.com. U.S. Patent No. 6,150,947, titled "Programmable Motion-Sensitive Sound Effects Device," is at the center of two suits. One lawsuit alleges infringement by Nintendo of America's Wii system as well as 17 video game and accessory manufacturers, while the second lawsuit targets computer and cell phone companies, such as Apple, Dell, HTC, Nokia, and Sony Ericsson. Ogma has also reportedly launched dual litigations relating to infringement of U.S. Patent No. 5,825,427, titled "Image Display System." In one lawsuit, the company reportedly focuses on a handful of cellular phone companies such as Apple, Palm, Research In Motion, and Sony Ericsson, while the parallel lawsuit is reportedly aimed at 29 general electronics manufacturers, such as Canon, 3M, LG, Lenovo, and Sharp Electronics. All four cases have been filed in the Texas Eastern District Court.

### Motiva's Suit against Nintendo Revived by OUII

In a complaint filed with the International Trade Commission (ITC) last year, Motiva, LLC, alleged that Nintendo Co., Ltd., and Nintendo of America, Inc., imported and sold video game systems and controllers that infringed patents in its portfolio. Motiva sought a permanent exclusion order and permanent cease-and-desist order against Nintendo of America. According to ITC 337 Law Blog, an administrative law judge in the case recently terminated the investigation, finding that no domestic industry exists or is in the process of being established, for which Motiva might have suffered injury. The judge reportedly cited Motiva's lack of licensing activity and a suspension of research and development as indications of insufficient domestic industry. Soon after the decision, however, the Office of Unfair Import Investigations (OUII), a branch of the ITC, filed a petition requesting that the ITC review the decision, giving Motiva fresh hope for progress in its complaint. The patents at issue are U.S. Patent No. 7,292,151 and 7,492,268 (both entitled "Human Movement Measurement System"). The ITC case is *Certain Video Game Systems and Controllers* (Inv. No. 337-TA-743).

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