



Greenblum & Bernstein, P.L.C. INFORMATION TECHNOLOGY NEWSLETTER

Recent News in Intellectual Property

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Kodak Licenses Laser Projection Patents to IMAX

The Wall Street Journal has reported that Eastman Kodak has made a licensing arrangement with film maker IMAX Corporation. The deal reportedly includes Kodak patents related to laser projection technology which IMAX can reportedly utilize to obtain higher quality projections on theatre screens. In exchange, IMAX has reportedly promised an initial payment of tens of millions of dollars, to be supplemented by regular royalty payments thereafter. Kodak will thus reportedly gain short-term operating funds as it continues to work toward the eventual sale of its patent portfolio of 1100 patents, which the company hopes will be worth around \$3 billion, according to a separate report.

Microsoft and Samsung Form Smartphone Partnership

In a recent press release, Microsoft Corporation announced a new partnership with Samsung Electronics Co., Ltd., to strengthen its smartphone division. The agreement reportedly allows the two companies to cross-license each other's patents, providing protection against potential litigation and potentially spurring technology developments. Microsoft will also benefit through Samsung's cooperation in fine-tuning and marketing Windows Phone models, as well as in royalty fees that Samsung will reportedly pay to Microsoft for each mobile phone or tablet the Korean company builds that runs the Android operating system. A similar royalty agreement was recently announced with Quanta Computer Inc., reportedly making this the ninth such agreement between Microsoft and Android device-manufacturers such as HTC, Acer, and Onkyo. In its press release, Microsoft emphasized the company's commitment to licensing its intellectual property in order to make the technology available to its partners as well as its competitors.

Amazon Kindle under Fire

Amazon.com Inc.'s newest iteration of its Kindle line of products has been targeted by Smartphone Technologies LLC for allegedly infringing five of its patents, according to a report by Bloomberg. Smartphone Technologies has reportedly asserted in Texas District Court that Amazon's Kindle infringes (1) a patent for manipulating icons through a touchscreen interface, (2) several patents for wireless communication, and (3) a patent for calendar functions, among others. The company is seeking damages, but has reportedly not petitioned the court to bar the sale of the Amazon device. The patents allegedly infringed by Amazon are U.S. Patent Nos. 6,950,645; 7,506,064; 6,956,562; 6,466,236; and Reissue Patent No. 40,459. Several of the patents were previously brought against Research In Motion Inc. and HTC Corporation, according to the Bloomberg report, although no decision has yet been reached in those cases. The case is *Smartphone Technologies LLC v. Amazon.com Inc.*, 6:11-cv-00530-LED in the Eastern District Court of Texas.

AMD Asserts S3 Graphics Does Not Own Patents-in-Suit

In a complaint pending review before the International Trade Commission (ITC), S3 Graphics Co., Ltd., has reportedly asserted infringement of four patents by Apple Inc.'s iOS and Mac products. An initial determination in the

case that issued on July 1 of this year reportedly found that Apple infringed two of the four patents in its Mac computer products, and that the remaining two patents were invalid. However, Advanced Micro Devices Inc. (AMD), a supplier of graphics components for Apple, has now filed a motion to dismiss the investigation, stating that its subsidiary ATI is the true owner of the patents-in-suit, and not S3 Graphics Co., Ltd. AMD has reportedly asserted that the U.S. Patent Office assignment records are outdated and that it is able to provide a history of ownership evidencing that the patents have been in ATI's portfolio for several years. The ITC has not yet issued a determination on the matter. The ITC case is *In the Matter of Certain Electronic Devices with Image Processing Systems*, 337-TA-724.

Garmin and TomTom Targeted in GPS Suits

In separate suits filed in district court in Nevada, holding company Silver State Intellectual Technologies Inc. has reportedly charged both TomTom NV and Garmin International with infringement of its patents relating to navigation programs and their interfaces. TomTom has reportedly been accused of infringing six Silver State patents, while Garmin is reportedly accused of infringing additional patents, including the same six. The patents at issue reportedly were previously asserted against BMW of North America and Honda Motor Co. The BMW lawsuit ended with the company taking a license to the patents, while the Honda lawsuit has reportedly not yet reached trial. The BMW and Honda lawsuits were brought by the previous owner of the patents, American CalCar, which was acquired by Silver State in early September, according to a report by Bloomberg. The cases are *Silver State Intellectual Technologies, Inc. v. Garmin International, Inc. et al.*, Civil Action No. 2:11-cv-01578 and *Silver State Intellectual Technologies, Inc. v. Tomtom Inc.*, Civil Action No. 2:11-cv-01581, both in the U.S. District Court of Nevada.

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