

# Court of Appeals Unanimously Affirms BlackBerry Injunction and Final Judgment in *NTP v. Research In Motion* Patent Dispute

December 14, 2004

Washington, DC—The United States Court of Appeals for the Federal Circuit in Washington, DC unanimously affirmed the prior jury verdict in favor of NTP against Research In Motion (RIM). The Court of Appeals upheld infringement of 11 of the 16 litigated claims of 5 patents considered by the jury and District Court. The Court altered the claim construction that may affect 5 of the disputed claims and remanded for a determination of the effects of the altered claim construction on those 5 claims and to determine any effect on the scope of the injunction and damages. NTP is confident that it will prevail upon remand for the additional 5 claims as the evidence supporting RIM's infringement already exists in the current trial record.

Under 35 U.S.C. § 283, a patentee is entitled to an injunction for infringement of any patent claim. The District Court previously issued, but stayed pending appeal, an injunction against Research in Motion from selling, using, or importing into the United States infringing BlackBerry hardware and software until the last of the litigated patents expires in 2012. The injunction also precludes BlackBerry wireless email service for new and existing users. The Court of Appeals decision moves the case one step closer to having the District Court lift its stay, reconfirm and enforce the injunction applicable to the 11 fully affirmed claims.

On November 21, 2002 a jury determined that RIM infringed 16 litigated claims out of approximately 2,500 claims in the litigated patents and awarded damages. The total damages accrued by RIM for past infringement are now approximately \$135 million based

## Practice Areas

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upon an 8.55% royalty rate and are growing at about seven to eight million per month.