

WRF Secures Dismissal of Claim Challenging Patent Ownership

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Wiley Rein & Fielding LLP has secured, on behalf of its client NTP, dismissal of a claim challenging NTP's ownership of the patents for the technology used in popular wireless messaging devices, such as BlackBerry units. The case had been filed in the U.S. District Court for the Eastern District of Michigan shortly after the U.S. Court of Appeals for the Federal Circuit upheld NTP's patent infringement verdict against Research In Motion Ltd. (RIM), the maker of BlackBerry wireless e-mail devices.

In 1993, Computer Leasco, Inc. (CLI) sought to claim ownership of NTP's patented technology. After conducting an evidentiary hearing, Judge La Plata awarded ownership of the technology to NTP. In December 2004, following the U.S. Court of Appeals' decision, CLI claimed it had new evidence indicating that the defendants conspired to prevent it from obtaining ownership of the technology and alleged conversion, statutory conversion, common law conversion and a Rule 60(b) Action for Fraud Upon the Court. CLI requested the court vacate Judge La Plata's decision pursuant to Fed.R.Civ.P. 60(b) and sought compensatory, exemplary and punitive damages.

In dismissing the case, the court found that the suit was not properly brought as a Fed.R.Civ.P. 60(b) motion and was "clearly an effort to [undo] Judge La Plata's previous determination that NTP had ownership." The court also noted that "there is no indication that the allegedly 'new evidence' was not available when CLI previously litigated this matter. Therefore, CLI has failed to identify any basis for disturbing Judge La Plata's ruling."

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Practice Areas

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The matter was handled by Wiley Rein & Fielding patent attorneys James H. Wallace, Jr., John B. Wyss and Kevin P. Anderson.