

Wiley Rein & Fielding Client Prevails in *NTP v. Research In Motion* Patent Dispute

May 30, 2003

Washington, DC—The Federal District Court in Richmond, Virginia entered two orders today in the patent dispute between NTP Inc. and Research In Motion, Ltd. (RIM) over RIM's BlackBerry products, software and services. The first order specifies an award of \$8,868,360 in enhanced damages for past infringement. The Court also ordered that post-verdict damages be enhanced by a factor of 0.5 (which results in an effective 8.55% royalty rate), and the Court awarded NTP 80 percent of its more than \$5 million attorneys' fees. To date the total of damages, enhanced damages, attorney fees and interest is about \$50 million.

In the second order, the Court denied RIM's motions seeking to overturn the jury verdicts favorable to NTP regarding infringement, willfulness and patent validity. The Court has not yet ruled on NTP's pending motion to enjoin the future sales, use and importation into the United States of RIM's BlackBerry software and services as well as handheld models sold under the model numbers 850, 857, 950, 957, 5810, 6210, 6510, 6710 and 6750.

On November 21, 2002 a jury determined that RIM's BlackBerry software, services and certain handheld models (850, 857, 950, 957 and 5810) infringed five of the Campana patents assigned to NTP. The jury awarded \$23.1 million to NTP for compensatory damages for past infringement through November 1, 2002. The jury also determined RIM's infringement to be willful and upheld the validity of the Campana patents.

On March 11, the Court entered an order that awarded pre-judgment interest to NTP and ordered RIM to provide an accounting of infringing revenue for the period between November 1 and February

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Practice Areas

Eastern District of Virginia: The Rocket Docket
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28, 2003. The March 11 order also required RIM to escrow on an ongoing basis 5.7 percent of its quarterly revenues for infringing sales into an account with a bank located within the Court's jurisdiction. The Court will dispose of the escrowed funds when the appeal process is finished.

Recently, RIM and NTP stipulated to infringement of RIM's BlackBerry 6210, 6510, 6710 and 6750 handheld models, and those models are covered by the ongoing damages escrow and any other relief the Court may award, without prejudice to RIM's appellate rights regarding these models.