

Wiley Rein & Fielding Attorneys Win \$23 Million Patent Infringement Verdict against BlackBerry Maker

November 25, 2002

Washington, DC—On November 21, 2002, a jury awarded WRF's client NTP, Inc. \$23.1 million in a patent infringement lawsuit against Research In Motion (RIM), the maker of the BlackBerry® wireless email device. The jury found that RIM's core BlackBerry® line of wireless email products, software, and services willfully infringed five NTP patents, and applied a 5.7% royalty to RIM's past sales of \$405 million from May 1999 to November 2002.

Analysts viewed the verdict as a major blow to RIM's financial prospects, as it will enable NTP to seek a permanent injunction prohibiting RIM from selling its flagship BlackBerry® wireless handheld products, software and services in the U.S. The finding of willfulness also increases the likelihood of the court increasing the damage award by up to three times, and strengthens NTP's claim for recovery of its costs and attorneys fees.

WRF's Patent Litigation team led by James H. Wallace, Jr. and John B. Wyss represented NTP in the case tried in federal district court in Richmond, Virginia.

Regarding the victory, Mr. Wallace said, "We are pleased the jury upheld these five patents. RIM had the opportunity to license this technology and declined. Our client seeks to collect the award and to prohibit RIM from continuing its infringement. The next step is an injunction to prohibit manufacture and sales of RIM's core BlackBerry® products, software and services. NTP will seek to license its patents to other wireless email companies."

Related Professionals

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Practice Areas

Eastern District of Virginia: The Rocket Docket
Intellectual Property
Patent
Telecom, Media & Technology
Trademark

Other WRF trial counsel included Floyd B. Chapman, Gregory R. Lyons, Kevin P. Anderson, Scott E. Bain, Christopher Hale, John W. Kuzin and Christopher M. Mills.

Wallace and WRF's patent attorneys have litigated patents in the fields of communications, communications satellites, data transmission, Internet business methods, pharmaceuticals, biotechnology and semiconductors. WRF's Patent Litigation team appears frequently before the U.S. Court of Appeals for the Federal Circuit, which hears all appeals in patent cases and has obtained successful verdicts or settlements for clients in jury trials, arbitration proceedings and International Trade Commission proceedings. Wallace is a former trial attorney in the Antitrust Division at the U.S. Department of Justice, and a former patent examiner for the U.S. Patent and Trademark Office.

Wiley Rein & Fielding LLP is a national law firm with over 225 attorneys practicing in more than two dozen specialties of law. The firm serves a diverse clientele of domestic and international corporations, associations and individuals.