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In Plaintiff-Friendly District, Intel Deflects Patent Challenge

By Anna Oberthur

SAN FRANCISCO — Intel Corp. has successfully fended off a patent infringement lawsuit in the Eastern District of Texas potentially worth billions of dollars, attorneys for the Santa Clara semiconductor firm announced Tuesday.

It was the second time in a month that lawyers at the litigation firm Keker & Van Nest in San Francisco pulled off a defense win in the Marshall Division of the U.S. District Court for the Eastern District of Texas, considered by many attorneys to be a plaintiff-friendly venue.

U.S. District Judge Leonard Davis granted Intel's motion for summary judgment last week, finding the plaintiff's patent invalid because the structure for some of the claim limitations had not been adequately disclosed.

The trial had been set for Jan. 8.

"It's certainly a great win for Intel. They basically stood up against a demand that was unwarranted and they stuck it through to the end," said Robert Van Nest, one of the lead attorneys for Intel. "Summary judgment rulings on invalidity are unusual in any district, so we are pleased that Judge Davis saw it our way."

The plaintiff, Maurice Mitchell Innovations, is a Walnut Creek inventor who claimed that Intel's Pentium and Itanium processors infringed on his patent for an apparatus that transfers signals throughout computer systems, according to Keker & Van Nest.

According to Edward Reines, a patent litigator at Weil, Gotshal & Manges in Palo Alto who was not involved in the case,



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Christa Anderson of Keker & Van Nest helped win summary judgement in a patent case for Intel. "Although we knew the stakes were high, we wanted to defend against the claims."

"Judge Davis' grant of summary judgment should help dispel the myth that defendants cannot win on summary judgment in Marshall, Texas."

Although three other major semiconductor firms previously settled similar litigation initiated by Mitchell, the Keker attorneys said they were prepared to take Intel's case to trial.

"We felt strongly it was not a valid patent," said Keker & Van Nest partner Christa Anderson, co-counsel on the case. "Although we knew the stakes were high, we wanted to defend against the claims."

Richard Schwartz, an attorney at Whitaker Chalk Swindle & Sawyer in Fort Worth, Texas, represented Mitchell in the matter.

Schwartz said he and his client are still considering whether to appeal the summary judgment.

"Obviously, we are not pleased with the ruling," Schwartz said. "We do believe there are some legal errors that affect the ruling, not only in terms of the court's claim construction, but also in terms of the finding of invalidity of the Mitchell patent."

Earlier this month, attorneys for Keker & Van Nest beat a patent infringement claim in the Eastern District of Texas on behalf of Comcast Cable Corp.

In that case, after Judge David Folsom issued an unfavorable claim construction ruling, the plaintiff, Caritas Technologies, agreed to a judgment of noninfringement.