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INTELLECTUAL PROPERTY

Patents

Plaintiff accused Apple of using its patented technology

VERDICT **$19,009,728**

CASE OPTi, Inc. v. Apple, Inc., No. 2:07-cv-00021

COURT United States District Court, Eastern District, Marshall, TX

JUDGE Charles Everingham, IV

DATE 4/23/2009

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FACTS & ALLEGATIONS In June 2002, plaintiff OPTi Inc., a Palo Alto, Calif.-based corporation, was issued a patent for a computer operation involving data transfer between computers and peripheral devices. Apple Inc. manufactured and sold hardware for data transfers between computers and peripheral devices after this date.

OPTi sued Apple, claiming patent infringement. OPTi alleged Apple products sold between 2003 and 2007 incorporated OPTi's patented computer operation without permission. OPTi claimed it informed Apple of the infringement in 2005, but Apple continued its infringement.

Apple denied patent infringement. It countersued OPTi, seeking a judgment that OPTi's patent was invalid on grounds of obviousness and prior art. Apple claimed that the patented operation was described in a magazine article published in 1993, and that an identical operation was patented by another party in 1997.

OPTi claimed its patent was valid, arguing that the 1993 article and the 1997 patent were not invalidating prior art.

In a pre-trial summary judgment, the court found Apple had infringed on OPTi's patent.

INJURIES/DAMAGES OPTi claimed Apple had willfully infringed on its patent. It sought $19,009,728 as reasonable royalties for infringement.

RESULT The jury found that OPTi's patent was valid and Apple's infringement was willful, and awarded OPTi $19,009,728 in lost royalties.

TRIAL DETAILS Trial Length: 6 days
Jury Vote: 7-0
Jury Composition: 1 male, 6 female

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EDITOR'S NOTE This report is based on information provided by plaintiff's and defense counsel.

–Rick Archer

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