

# Daily Journal

February 13, 2013

## TOP VERDICTS OF 2012

### TOP DEFENSE VERDICTS

# \$147,200,000

## Mformation v. Research In Motion

In a dramatic turnaround for BlackBerry, its lawyers persuaded a federal judge to wipe out a \$147 million jury award for damages in a fight over smartphone patents.

New Jersey-based Mformation Technologies Inc. sued Canada's Research In Motion Ltd., which recently changed its name to BlackBerry, in 2008 alleging it had infringed on software patents that allow people to remotely control cell phones for security and other purposes. After a two-week trial and a week of deliberations a San Francisco jury found BlackBerry liable for infringement and awarded Mformation \$8 for each phone the company sold since 2008 that had used that technology.

The verdict was a major blow to BlackBerry's legal team, which had had some early success in the case, including reducing the number of patents in dispute.

#### CASE INFO

##### Patent infringement

Northern District of California  
U.S. District Judge James Ware

##### Defense attorneys:

Kirkland & Ellis LLP, Linda S. DeBruin, Aaron D. Charfoos, Tiffany P. Cunningham, Maria A. Maras, Meredith Zinanni, Marc H. Cohen; Wilmer Cutler Pickering Hale and Dorr LLP, Mark G. Matuschak, Andrew B. Grossman, Evelyn C. Mak, Cynthia D. Vreeland, David L. Cavanaugh, Larissa Park, Martin E. Gilmore, Erin G. Mehta

##### Plaintiffs' attorneys:

Foley & Lardner LLP, Amar L. Thakur, Shawn E. McDonald, Allen A. Arntsen, Lisa M. Noller



LINDA DEBRUIN

BlackBerry's attorneys were convinced that the company did not infringe Mformation's patents and continued to focus on that argument in the verdict's aftermath, said Linda S. DeBruin of Kirkland & Ellis LLP.

"We had not lost hope," DeBruin said, adding that now-retired Northern District Chief Judge James Ware

bouyed their spirits a few days after the verdict when he asked the parties to submit any evidence in the record that proved the company had infringed.

A few weeks later, Ware overturned the verdict finding that the jury had no "legally sufficient evidentiary basis" to find infringement.

"It showed me that persistence pays off," DeBruin said.

She and her colleagues had been hammering the court from the outset on the argument that their client had not infringed, she said.

"I think that prepared Judge Ware, it really got him focused on that particular issue," DeBruin said. "It's something he knew we were focused on and that we remained focused on."

Now the focus has moved to the U.S. Court of Appeals for the Federal Circuit in Washington D.C., where DeBruin is fighting Mformation's appeal of Ware's ruling.

— Fiona Smith