

United States government and 21 other amicus briefs back i4i in U.S. Supreme Court Case against Microsoft

TORONTO, March 21 /PRNewswire/ - i4i is pleased to acknowledge the strong support it has received in its long-running patent-infringement lawsuit against Microsoft, a lawsuit in which the jury found that Microsoft had willfully infringed i4i's patents. In Washington DC, 22 amicus briefs supporting i4i have now been filed with the U.S. Supreme Court—including one by the United States government.

Each of these briefs urges the Supreme Court to uphold the decisions of the jury and the two lower courts in favour of i4i. The signatories to these briefs are extremely diverse; in addition to the United States, they include individual inventors, former military officers, universities, venture capitalists who invest in innovation, intellectual-property groups, and large and small companies from the medical, pharmaceutical, computing, energy, chemical, finance, and many other industries and industry associations.

Loudon Owen, Chairman of i4i, says, "As you can see from the amicus briefs, and from a letter previously sent to the Attorney General by over 260 signatories, this is an absolutely pivotal case that threatens the ability of inventors and innovative organizations to survive." Owen continues, "Patent protection and the practical ability to enforce a patent are the lifeblood of innovation. Inventions are publicly disclosed in exchange for patent rights and protection. This social contract has enabled development of the most innovative country in history." Owen says, "Now the very individuals, organizations and companies that create new jobs are facing an unprecedented change in the law and the sudden disruption and devaluation of the patent system. i4i's position, which is that patent owners should be able to rely on established patent law, has received a groundswell of diverse support from the United States government itself as well as from an enormous range of other leaders, inventors, investors and experts."

Owen adds, "The amicus briefs underscore the importance of the case and the extremely damaging consequences if the law is changed and there is a ruling to overturn the lower court's correct decision in favour of new law changes which Microsoft proposes."

The briefs detail the wide-ranging harm that would flow from a ruling for Microsoft. Among other things, they explain:

- All patents would be devalued, which would thereby reduce the incentive for inventors to innovate. This would severely harm the public, because innovation provides new inventions (from life-saving drugs to the latest electronic devices), which improve quality of life. Innovation also creates jobs and commerce while bringing these new inventions to market.
- Venture capital, which is a critical source of funding for a significant amount of innovation, will dry up if patents can be invalidated by a lay jury based on what the Supreme Court has called "a dubious preponderance" of the evidence.

- Large numbers of companies would have to adjust their balance sheets if there were to be a sudden devaluation of their patent assets.
- Strong patents are an indispensable asset for America's small businesses to compete - either through their own patents, or through patents they license because they lack their own independent capital base to fund research and development.
- A ruling for Microsoft would undermine efforts to maintain U.S. technological leadership internationally if the standard of proof were changed and complex validity decisions were not entrusted to experts, as is the case in other leading innovative countries.
- Military defense by our armed forces, which relies heavily on the cutting-edge technology that robust innovation delivers, would be undermined, according to a brief filed by seven retired senior military officers.
- The rules for patent validity have been in place for decades and there are settled expectations among inventors and others, who have acted on that.

A list of the amicus briefs in favour of i4i is contained in the appendix to this release and the amicus briefs are posted on i4ilp.com.

The Supreme Court will hear oral argument in the case on April 18. A decision is expected by the end of June.

i4i is a global technology company headquartered in Toronto, Canada. For more information on i4i v. Microsoft, selected court documents can be found on www.i4ilp.com.

APPENDIX - Amicus briefs filed in support of i4i

i4i amicus briefs have been filed by the following parties:

1. United States of America
2. 3M Company
 - a. 3M Company
 - b. Caterpillar Inc
 - c. Proctor & Gamble
 - d. General Electric Company
 - e. Eli Lilly and Co.
 - f. BP
 - g. Du Pont De Nemours and Company
 - h. Ecolab Inc.
 - i. Dolby Laboratories
 - j. Boston Scientific Corporation
 - k. Valspar Corporation
3. 19 Leading Venture Capital Firms (listed alphabetically)
 - a. Aberdare Ventures
 - b. Affinity Capital
 - c. Alta Partners

- d. Arch Ventures
- e. Asset Management Company
- f. Atlas Ventures
- g. Canaan Partners
- h. Delphi Ventures
- i. HLM Venture Partners
- j. Kearny Venture Partners
- k. Latterell Venture Partners
- l. New Enterprise Associates
- m. Prospect Venture Partners
- n. Thomas McNerney & Partners
- o. U. S. Venture Partners
- p. Venrock
- q. Venture Investors, LLC
- r. Versant Ventures
- s. The Vertical Group

4. AmiCOUR

5. Association of Practicing Entities

- a. ReadyLift Suspension, Inc., Alcohol Monitoring Systems, Inc., Kwik Tek, Inc., Pilot Automotive, Inc., Cruiser Accessories, Inc., Wyers Products Group, Inc., Parts on Demand, Inc., 308 Systems, Inc., Brain Basket, LLC, SoSound Solutions, LLC, SoftRay, Inc., Walker Manufacturing Company, Terra Moya Aqua, Inc., L&T Riser LLC, Try-Balance, LLC, Computrol, Inc., Emerson Analytics, LLC, Aspiration Innovation, Inc., EDM International, Inc., APJet, Inc., Wolf Robotics, LLC, Front Range Oil and Gas, LLC, POMOCO Limited Liability Company, Wellington Water Works, LLC, Wellington Operating Company, High Plains Well Service, LLC, Lateral Reservoir Stimulation, LLC, B&R Plastics, Inc., Hunt Control Systems, Inc., Keeton Industries, Inc., Tranex, Inc., JSTranex, LLC, JBS Brainex, LLC, Brainstorm, LLC, and Optimus Corporation.

6. Bayer AG

7. The Biotechnology Industry Organization ("BIO")

- a. The Biotechnology Industry Organization ("BIO")
- b. The Association of University Technology Managers ("AUTM")
- c. CropLife International

8. The Boston Patent Law Association

9. Eagle Harbor Holdings, LLC

10. elcommerce.com.inc

11. Former Commissioners or Directors of the United States Patent and Trademark Office ("USPTO")

- a. The Honorable Gerald J. Mossinghoff
- b. The Honorable Donald J. Quigg
- c. The Honorable Harry F. Manbeck, Jr.
- d. The Honorable Bruce A. Lehman
- e. The Honorable Q. Todd Dickinson
- f. Mr. Nicholas P. Godici

12. Former Military Officers

- a. Rear Admiral Daniel R. Bowler, USN (Ret.),
- b. Captain Tom R. Murray, USN (Ret.),

- c. Captain Robert N. Burton, SC, USN (Ret.),
 - d. Captain Lynn H. Widener, USNR (Ret.),
 - e. Captain Timothy M. Ahern, USN (Ret.),
 - f. Commander John K. Stenard, USN (Ret.), and
 - g. Commander Ronald A. Marchetti, SC, USN (Ret.).
13. Genentech, Inc.
- a. Genentech, Inc.
 - b. California Healthcare Institute ("CHI
 - c. Roche Diagnostics
14. Intellectual Property Owners Association ("IPO")
15. Intellectual Ventures Management
- a. Intellectual Ventures Management
 - b. Dr. Ananada Chakrabarty
 - c. The Honorable Dr. G. William Foster
16. IP Advocate
17. Dr. Ron D. Katznelson
18. The Pharmaceutical Research and Manufacturers of America ("PhRMA")
19. The San Diego Intellectual Property Law Association
- a. The San Diego Intellectual Property Law Association (SDIPLA)
 - b. CONNECT
20. Triantafyllos Tafas, PhD
21. Tessera, Inc.
- a. Tessera, Inc
 - b. Luminex Corporation
 - c. National Small Business Association - ("NSBA)
22. University Patent Owners and Licensees
- a. Arizona State University's Arizona Science and Technology Enterprises LLC
 - b. Emory University
 - c. The Regents of the University of California
 - d. Rensselaer Polytechnic Institute
 - e. Temple University
 - f. The University of New Mexico
 - g. The University of Utah
 - h. The University of Utah Research Foundation
 - i. Wisconsin Alumni Research Foundation
 - j. Research Corporation Technologies