

## LICENSING AGREEMENTS

### *Microsoft and Lexmark Enter Broad Patent Cross-Licensing Agreement*

Microsoft Corp. and Lexmark International, Inc., signed a patent cross-licensing agreement that furthers the development of each company's product lines and will expand technological innovation to enhance the overall customer experience.

The patent cross-licensing agreement covers a broad range of products, including Lexmark printers and multifunction products, and Microsoft software products. The agreement allows greater mutual access to each partner's respective patent portfolio. The terms of the agreement are not being disclosed.

### *Shuffle Master, Inc. Announces Purchase of Intellectual Property from Elixir Gaming Technologies, Inc.*

Shuffle Master, Inc. (Nasdaq Global Select Market: SHFL) ("the Company") and Elixir Gaming Technologies, Inc. (AMEX: EGT) ("Elixir") jointly announced they have entered into an agreement pursuant to which Elixir Gaming has sold to Shuffle Master its intellectual property related to Elixir Gaming's card shuffling and card deck checking equipment, including the RandomPlus Shuffler, the ShufflePro Shuffler, and the DeckChecker. In connection with this acquisition, Shuffle Master will also purchase Elixir Gaming's remaining finished-goods inventory of products in this category.

In addition, the Companies have agreed to dismiss all claims with prejudice pertaining to the outstanding patent infringement litigation between them. This includes the release to Shuffle Master of a \$3.0 million bond, plus accrued interest, that Shuffle Master posted in 2004 in connection with an injunction that it received at that time.

The total consideration paid to Elixir Gaming for these agreements is a base amount of \$2.4 million, subject to adjustment related to the precise final inventory, not to exceed \$2.8 million.

## PATENTS ISSUED

### *Active Optical Cable Patent Awarded to EMCORE Corporation*

EMCORE Corporation (Nasdaq: EMKR), a leading provider of compound semiconductor-based components and subsystems for the broadband, fiber optic, satellite and terrestrial solar power markets, announced that it has received a patent award for its Active Optical Cable technology. The new patent (US Patent No. **7,494,287 B2**) with broad claims covers all fiber optic active cable applications and is believed to be fundamental to current and future market segments and platforms related to data communications links between information systems.

### *Ecology Coatings Announces Award of its Seventh U.S. Patent*

Ecology Coatings, Inc. (OTCBB: ECOC), a leader in the discovery and development of nanotechnology-enabled, ultraviolet curable advanced materials, announced that the U.S. Patent and Trademark Office awarded the company its seventh patent pertaining to its cleantech, environmentally friendly coatings. U.S. patent number **7,498,362** covers the processes and underlying technologies for producing environmentally friendly, nanotechnology-enabled, ultraviolet cured coatings for metal substrates and flexible objects.

### *U.S. Patent & Trademark Office Grants Reissue Patent Relating to Lipitor*

Pfizer Inc. announced that the U.S. Patent & Trademark Office has granted reissue patent **RE40,667**, relating to Lipitor. The company had applied for the reissue patent in January 2007, in order to correct a technical defect in the '995 enantiomer patent for atorvastatin calcium, the salt form of atorvastatin sold as Lipitor. On January 6, 2009, the company announced that the U.S. Patent & Trademark Office had issued a "Notice of Allowance" accepting the company's application to correct the technical defect in the '995 patent. The reissue patent will have the same force and effect as the original '995 patent and the same June 2011 expiration date (including the six-month pediatric exclusivity period).

### *Skyhook Wireless Announces New Patent Award*

Skyhook Wireless, provider of the Wi-Fi Positioning System (WPS) and the hybrid location system XPS, announced that the U.S. Patent Office awarded it USPN **7,493,127**: Continuous Data Optimization of New Access Points in Positioning Systems. This patent joins 9 other awarded patents covering the building blocks for Wi-Fi positioning on mobile devices.

### *CounterPath Granted Patent for Handoff Between Cellular and Internet Protocol Telephony*

CounterPath Corporation (TSX-V: CCV; OTCBB: CPAH), a leading provider of desktop and mobile VoIP software products and solutions, announced that the company has been assigned United States patent number **7,502,615** for its technology pertaining to handoffs between cellular and IP telephony. The newly patented technology enables users to roam between mobile and IP networks seamlessly, allowing active calls to be handed off faster between mobile and IP networks.

## NEW LAWSUITS

### *OrbusNeich Files Patent Infringement Lawsuit Against Boston Scientific*

OrbusNeich Medical, Inc. ("Orbus" or the "Company"), a designer, developer, manufacturer and marketer of innovative medical devices for the treatment of vascular diseases, announced that it has filed a lawsuit against **Boston Scientific Corporation** ("BSC"). The lawsuit, filed in the United States District Court for the Eastern District of Virginia, asserts claims against BSC for patent infringement, breach of contract and for misappropriation of trade secrets. The suit seeks unspecified monetary damages and injunctive relief in connection with its claims.

Orbus is the owner by assignment of all right, title, and interest in U.S. Patent No. **7,329,277** entitled "Stent Having Helical Elements" and U.S. Patent No. **6,821,292** entitled "Crimpable Intraluminal Endoprosthesis Having Helical Elements." In its complaint Orbus alleges, among other things, that BSC has infringed these two

Orbus patents relating to its proprietary luminal stent technology.

### **Shire Files Lawsuit Against Barr Laboratories for Infringement of FOSRENOL (Lanthanum Carbonate) Patents**

**Shire plc** (LSE: SHP, Nasdaq: SHPGY) announces that it has filed a lawsuit in the U.S. District Court of the Southern District of New York against **Barr Laboratories, Inc.** (“Barr”) for infringement of three of Shire’s patents: U.S. Patent No. **5,968,976** (“’976 Patent”); U.S. Patent No. **7,381,428** (“’428”); and U.S. Patent No. **7,465,465** (“’465”).

The lawsuit was filed in response to an ANDA (Abbreviated New Drug Applications) filed by Barr seeking FDA approval to market and sell generic versions of Shire’s 500 mg, 750 mg, and 1 g FOSRENOL (Lanthanum Carbonate) products.

### **Kount Files Patent Infringement Lawsuit Against Iovation**

**Kount Inc.** announced that it has filed a patent infringement lawsuit against Portland-based **iovation Inc.**

The lawsuit accuses iovation of infringing U.S. Patent number **7,330,871** “Online Machine Data Collection and Archiving Process,” which describes a method for identifying and physically locating a customer computer involved in an online transaction. Several of iovation’s products are specifically mentioned in the lawsuit, including its ReputationManager, Device Reputation Authority, and ReputationShield offerings. The lawsuit seeks injunctive relief as well as unspecified damages from iovation for infringing on Kount’s device fingerprinting and proxy piercing fraud control technologies.

Issued on February 12, 2008, the ‘871 patent contains 12 claims supported by specifications filed as early as June of 2000. The claims cover specific methods for detecting perpetrators of fraud online.

### **Callaway Golf Files New Patent Infringement Suit Against Acushnet**

**Callaway Golf Company** (NYSE: ELY) announced it has filed a new patent infringement lawsuit in the United States District Court for the District of Delaware against **The Acushnet Company**, the golf business of **Fortune Brands, Inc.** The lawsuit alleges that the new 2009 Titleist Pro V1 and Pro V1x golf balls, available to the public in spring 2009, infringe golf ball patents owned by Callaway Golf.

This new suit follows the successful patent infringement action filed by Callaway Golf against Acushnet in February 2006 which resulted in a permanent injunction halting sales of earlier versions of the Pro

V1 family of golf balls, effective January 1, 2009. That injunction prompted Acushnet to initiate a nationwide recall of infringing golf balls through a “retail exchange program” on December 29, 2008.

Callaway Golf first prevailed against Acushnet in patent litigation when it won a jury verdict in December 2007. In that proceeding, it was determined that Acushnet had infringed multiple valid claims of four U.S. golf ball patents owned by Callaway Golf. In November 2008, the trial court granted Callaway a permanent injunction to halt sales of the infringing golf balls. Acushnet’s motion to stay the trial court’s injunction was denied by three judges from the Court of Appeals for the Federal Circuit in December 2008. The injunction remains in effect today.

## **DECISIONS & SETTLEMENTS**

### **Autobytel and Edmunds Enter Settlement Agreement**

**Autobytel Inc.** (Nasdaq: ABTL) and **Edmunds.com, Inc.** announced that they entered into a settlement resolving Edmunds’ declaratory judgment action (*Edmunds Holding Company and Edmunds.com, Inc. v. Autobytel Inc.*) filed against Autobytel in the U.S. District Court for the District of Delaware and relating to Autobytel’s U.S. Patent Number **6,282,517** for lead technology (“’517 Patent”). Although the case was recently dismissed by the court, the parties have entered into a settlement to avoid any further proceedings in this matter.

According to the settlement, Autobytel has granted to Edmunds a limited license to the ’517 Patent and other existing Autobytel leads-related patents in exchange for the right to publish on Autobytel’s family of websites a select assortment of Edmunds.com’s industry-leading multi-media automotive content, including photos, editorial reviews, and articles. The agreement also provides for mutual releases of claims.

### **ON Semiconductor Announces Settlement of Patent Dispute With Samsung Electronics Co. Ltd.**

**ON Semiconductor Corporation** (Nasdaq: ONNN) announced that it has entered into a settlement agreement with **Samsung Electronics Co., Ltd.** that resolves the outstanding patent infringement actions that were pending in the District of Delaware, specifically, *Samsung Electronics Co., Ltd. v. ON Semiconductor*, civil action no. 06-720 (JJF) and *ON Semiconductor v. Samsung Electronics Co., Ltd.*, civil action no. 07-449 (JJF) involving technology relevant to DRAM products.

Under the terms of the confidential settlement agreement, the parties have cross-

licensed their respective patent portfolios for a significant term of years.

### **Hensley Kim & Holzer Wins a \$5.35 Million Jury Verdict for Patent Infringement**

**Hensley Kim & Holzer, LLC** (“HKH”) is pleased to announce a jury verdict in favor of its clients **Philip W. Wyers and Wyers Products Group** (collectively “Wyers”). HKH trial attorneys, **Aaron Bradford, Michael Dulin** and **Thomas Osborne** took **Master Lock** to trial for infringing three Wyers patents relating to trailer hitch barbell lock technology. After an eight-day, patent infringement jury trial in the US District Court in Denver, Colorado, and three hours of deliberations, the jury returned an infringement verdict in favor of Wyers on all claims and awarded Wyers damages in the amount of \$5,350,000.

### **Merchant & Gould Scores Patent Litigation Victory for Rudolph Technologies, Inc.**

**Merchant & Gould**, an intellectual property law firm, announced it has won a major patent litigation victory on behalf of **Rudolph Technologies, Inc.** over **Camtek, Ltd.** A jury in the U.S. District Court for the District of Minnesota ruled that all models of Camtek’s Falcon inspection system literally infringe Rudolph’s US patent no. **6,826,298** for an Automated Wafer Defect Inspection System And A Process Of Performing Such Inspection which covers a system and method for inspection of wafers which hold microchips. In awarding approximately \$6.8M to Rudolph, the jury also rejected entirely Camtek’s arguments that Rudolph’s ‘6,298 patent is invalid.

### **Cynosure Obtains Favorable Markman Rulings in Patent Infringement Case Against CoolTouch**

**Cynosure, Inc.** (Nasdaq: CYNO), a leading developer and manufacturer of a broad array of light-based aesthetic treatment systems, announced that the United States District Court for the District of Massachusetts has issued a favorable set of rulings in a Markman hearing in the company’s patent infringement lawsuit against **CoolTouch Inc.**

The lawsuit alleges that CoolTouch’s 1320 nm CoolLipo laser system infringes on U.S. Patent No. **6,206,873** (the 873 patent), which relates to methods for liquefying and removing subcutaneous fat cells through the use of laser energy. Cynosure is the exclusive licensee of the 873 patent, which is a fundamental component of the Smartlipo LaserBodySculpting Workstation. The 873 patent is owned by the company’s largest shareholder, El.En. S.p.A. 