

TECHNO BYTES™

ORGANIZATION LIST

Acacia Media Technologies Corp.
Acacia Research Corp.
Advanced Power Technology
Align Technology
Altana Pharma AG
Broadcom Corporation
Coinstar Inc.
Collegium Pharmaceutical
Cougar Biotechnology
Emory University
EnXnet, Inc.
First National Bank of Omaha
Fitzpatrick, Cella, Harper & Scinto
IXYS Corporation
MasterCard International
Metrobility Optical Systems
Microtune Inc.
NETCORD
Newell Rubbermaid
Nokia
NTP, Inc.
Ormco Corp.
PharmaStem Corp.
Quark Biotech
Sanford, L.P.
Seed Rubber Company
Sybron Dental Specialties
Tamai
Tel Control Inc.
Teva Pharmaceuticals
ViRexx Medical
Wyeth
Xenobiotic Detection Systems
Zix Corporation

DECISIONS & SETTLEMENTS

Microtune and Broadcom Settle All Outstanding Litigation

*Companies Enter into Settlement Agreement
and Execute Patent License Agreement*

Microtune®, **Inc.** (Nasdaq: TUNE) announced that it has entered into agreements with **Broadcom Corporation** (Nasdaq: BRCM) to settle all outstanding patent and antitrust litigation between the two companies. Under the terms of the settlement agreement, all outstanding claims in pending litigation will be dismissed with prejudice. The settlement agreement also provides for reciprocal releases covering all asserted and unasserted claims between the parties.

Additionally, Broadcom and Microtune have entered into a separate patent cross-license agreement whereby patents claiming priority prior to the effective date of the license agreement are licensed for the lives of the patents, and subsequently acquired patents that claim priority within the following four years are licensed for ten years. Under the license agreement, all products of Broadcom are licensed under all of Microtune's patents, and all current products and future analog signal processing products of Microtune are licensed under all of Broadcom's analog signal processing and related foundational patents.

Marshall, Gerstein & Borun LLP Secures Appeal Victory for Sanford, L.P.; Federal Circuit Reverses Interference Decision

In *Stevens v. Tamai*, No. 03-1479 (May 4, 2004), a unanimous panel of the U.S. Court of Appeals for the Federal Circuit reversed the decision of the U.S. Patent and Trademark Office, Board of Patent Appeals and Interferences, which had awarded judgment against **Sanford, L.P.**, a unit of **Newell Rubbermaid, Inc.** (Stevens), in an interference proceeding involving a hand-held correction tape dispenser. The Federal Circuit held that the Board incorrectly awarded priority of invention to **Seed Rubber Company** (Tamai), because **Tamai** failed to establish a proper claim to the priority benefit of its original Japanese patent application.

Carl Moore, Jr., a partner with Marshall, Gerstein & Borun LLP, argued for Stevens. With him on the briefs were MGB partners Sandip Patel, Michael Weiner, and James Zeller.

Edward F. Kenehan, Jr., a member of Armstrong, Westerman & Hattori, LLP, argued for Tamai. With him on the brief was Armstrong, Westerman & Hattori member William F. Westerman.

Align Technology Announces Favorable Ruling in Patent Infringement Suit With Ormco Corporation, a Division of Sybron Dental

Align Technology, Inc. (Nasdaq: ALGN - News), the inventor of Invisalign®, a proprietary method of straightening teeth with-

out wires and brackets, announced the favorable outcome of the patent litigation suit filed by **Ormco Corporation**, a division of **Sybron Dental Specialties, Inc.** (NYSE: SYD - News).

The United States District Court for the Central District, Southern Division, granted Align's motion for summary judgment of non-infringement in the patent infringement case brought against Align by Ormco Corporation in January 2003. Accordingly, Align has been found not to infringe Ormco's Patent Nos. 5,447,432, 5,683,243, 6,244,861 and 6,616,444. Align is represented by intellectual property specialty firm, Townsend and Townsend and Crew LLP.

MasterCard Prevails In Trademark Infringement Suit

In a unanimous jury verdict rendered on May 12, 2004, **MasterCard International Incorporated** prevailed in a trademark infringement suit brought by **First National Bank of Omaha** (FNBO).

In the suit, FNBO claimed that its registered trademark SMARTONE was infringed by MasterCard's use of ONESMART and sought a verdict of infringement as well as damages in excess of \$20 million.

FNBO retained numerous experts to support its damage claims, but MasterCard's legal team, led by Baker Botts attorney Russ Falconer, successfully reduced FNBO's expert roster. The Court accepted MasterCard's proposal to undertake expert discovery in stages, enabling MasterCard to bring before the Court tailored motions to exclude their testimony. After diminishing the role of the experts, MasterCard countered FNBO's claims of infringement at trial with testimony showing that there was no evidence of confusion, no overlap in trade channels, and that the prospective buyers were sophisticated banking professionals who were unlikely to be confused.

Following a one-week trial, a panel of eight jurors rendered a unanimous verdict in favor of MasterCard.

Simplicity...

Fully Searchable Electronic File Wrappers from PATENTEC®

- Up to 6000 pages of USPTO file histories — scanned, analyzed and indexed to render fully searchable for quick retrieval of important documents.
- Ideal for complex litigation involving multiple files.
- Easy to use. Perfect for office networks, archival storage and laptop computers.

CALL FOR A **FREE DEMO CD!**

PATENTEC®
Quality Patent Documents

2001 Jefferson Davis Hwy Arlington, VA 22202 • Tel: 703-418-2777 • Fax: 703-418-4777
www.patentec.com • info@patentec.com



NEW LAWSUITS

Fitzpatrick Commences Legal Action on Behalf of Clients Wyeth and Altana Pharma Over Protonix ANDA Filing

Fitzpatrick, Cella, Harper & Scinto announced that it has filed a lawsuit on behalf of Madison, NJ-based Wyeth and Altana Pharma AG of Konstanz, Germany against Teva Pharmaceuticals over its submission of an abbreviated new drug application (ANDA) to the FDA for Protonix (Active Ingredient Name: pantoprazole sodium). The patent infringement action was filed in the U.S. District Court for the District of New Jersey in Newark. The complaint maintains that Altana Pharma's pantoprazole composition of matter patent is valid until its expiration date of July 19, 2010.

Protonix is a proton pump inhibitor that is prescribed for gastro-intestinal disorders associated with acid secretion.

Attorneys for Wyeth and Altana are Fitzpatrick, Cella partners Robert L. Baechtold and Joseph M. O'Malley, Jr., and McCarter & English partner Andrew T. Berry.

Acacia Technologies Files Cable and Satellite TV Patent Infringement Lawsuit

Acacia Research Corporation (Nasdaq: ACTG) (Nasdaq: CBMX) announced that its **Acacia Media Technologies Corporation** subsidiary has filed a Complaint in the District Court for the Northern District of California alleging infringement of Acacia's DMT patents against 9 cable and satellite companies. Companies named as defendants in the lawsuit include Comcast Corporation, Charter Communications, Inc., The DirectTV Group, Inc., EchoStar Communications Corporation, Boulder Ridge Cable TV, Central Valley Cable TV, LLC, Seren Innovations, Inc., Cox Communications, Inc., and Hospitality Network, Inc. (a wholly owned subsidiary of Cox that supplies hotel in-room entertainment).

Last week, Acacia announced the settlement of a patent infringement lawsuit brought by Acacia and licensed On Command Corporation, which, together with LodgeNet Corporation, another Acacia licensee, are the dominant providers of in-room digital content to the lodging industry via systems similar to those utilized by cable and satellite companies.

Acacia's DMT patents cover the transmission and receipt of digital content via the Internet, cable, satellite, and other means, and as the Complaint alleges, apply to a variety of programming and activities engaged in by cable and satellite companies including certain basic programming, pay per view, video on demand, and digital ad insertion. Acacia intends to continue its licensing discussions with cable and satellite companies and has the option of adding additional companies to the lawsuit in the future.

NOTICES OF ALLOWANCE

Collegium Pharmaceutical Inc. Receives Notice of Allowance from U.S. Patent and Trademark Office for Novel Anti-Histamine Combination

Collegium Pharmaceutical, Inc. develops patented products for specialty pharmaceutical companies, announced that it has received notification from the U.S. Patent and Trademark Office (PTO) allowing the Company's patent application US Patent 20030130263 "Compositions Containing Both Sedative and Non-Sedative Antihistamines." The patent relates to compositions comprising both a sedating and a non-sedating antihistamine

in a single dosage form. More particularly the invention relates to a composition to be taken at bedtime containing the sedating antihistamine in immediate release form and the non-sedating antihistamine in delayed-release form, and a composition to be taken during the day containing the non-sedating antihistamine in immediate release form and the sedating antihistamine in delayed-release form.

***ViRexx Receives Notice
of Allowance for a U.S. Patent
Protecting T-ACT™ Technology***

ViRexx Medical Corp. (TSX VENTURE: VIR) announced that it has received a notice of allowance (patent number pending) for a patent to be issued in the United States protecting aspects of its T-ACT™ platform technology. The patent, entitled “Compositions and Methods for Producing Vascular Occlusion,” has broad claims that cover the use of agents that induce site-specific vascular occlusion (blood clotting) based on platelet capture and activation.

REEXAMINATION REQUEST

***The International NETCORD
Foundation Requests the U.S. Patent
Office to Re-Examine PharmaStem
Cord Blood Stem Cell Patent***

NETCORD, the leading international network of public cord blood banks, announced that it has requested that the United States Patent and Trademark Office (“PTO”) re-examine patent No. 5,192,553 issued to **PharmaStem Corporation, USA**. This patent relates to the collection and preservation of umbilical cord and placental blood stem cells and the use of these cells in hematopoietic or immune reconstitution.

Peter Wernet, MD, President of NETCORD and Director of University of Dusseldorf Cord Blood Bank, said, “There are substantial questions as to the patentability of the claims contained in this PharmaStem patent as a result of prior art. We believe that the art of using blood stem cells to reconstitute the immune system has been in the public domain for decades. NETCORD previously successfully opposed PharmaStem patent claims in Europe and on April 7, 2003 the European Patent Office (“EPO”) confirmed the revocation of PharmaStem’s European patent on cryopreserved cord blood compositions and uses thereof by dismissing PharmaStem’s appeal of an earlier ruling of the EPO, which had previously revoked all 68 claims of the European patent. The decision of the EPO is final and is not subject to appeal and applies throughout Europe.” This

European patent opposition had been supported by the European Group for Blood and Marrow Transplantation (EBMT), EUROCORD, the political GREEN Party of Europe, Stichting EUROTRANSPLANT and ThermoGenesis Corp., USA.

LITIGATION UPDATE

***Advanced Power Technology Announces
Grant of Summary Judgment
Dismissing IXYS Corporation’s Claims
of Patent Infringement Against APT***

Advanced Power Technology, Inc. (Nasdaq:APTI), a leading provider of high-performance power semiconductors, announced that the United States District Court of the Northern District of California has granted summary judgment in favor of APT, dismissing **IXYS Corporation’s** claims of patent infringement against APT.

The Court held that IXYS’ United States Patent Nos. 5,486,715 and 5,801,419 are not infringed by APT’s power MOSFET products, and further held that “IXYS’s patents are invalid because obvious.” Key prior art cited by the Court was APT’s own dual metal power MOSFETs and IGBTs dating from the early 1990s.

APT’s patent infringement claims against IXYS under APT’s United States Patent Nos. 5,283,202 and 5,262,336 remain pending and are scheduled for trial in January 2005.

PATENTS ISSUED

***Metrobility Optical Systems
Awarded Patent on Remote
Management for Optical Ethernet***

Technology Utilizes Inter-Packet Gap between Ethernet Frames

Metrobility Optical Systems, Inc. has received a U.S. patent for its remote management over Ethernet technology that provides the ability to remotely manage an end device without an IP address or SNMP agent. Patent 6,741,566 B1 was issued on May 25, 2004. The technology utilizes a management channel embedded in the inter-packet gap (IPG) between Ethernet frames to send management information in real time across a network. The management channel is transparent to all other Ethernet equipment. The technology provides superior network security since it requires no IP address or SNMP agent.

***Quark Biotech Receives U.S. Patent for
Novel Antibody Against the Protein that
Triggers Hypoxia-Dependent Apoptosis***

Quark Biotech, Inc. (QBI) announced that it has been granted Patent No. 6,740,738 from the United States Patent

and Trademark Office. This patent covers antibodies directed against the RTP801 protein. This protein has been shown to play an important role in the cellular mechanisms responding to hypoxia, a condition of reduced oxygen supply to tissues. Cellular response to hypoxia plays an important role in a number of ischemic diseases such as retinopathy, acute renal failure, myocardial infarction and stroke.

***Tel Control, Inc. Awarded Patent on
VoIP Technology for 9-1-1 Call Centers***

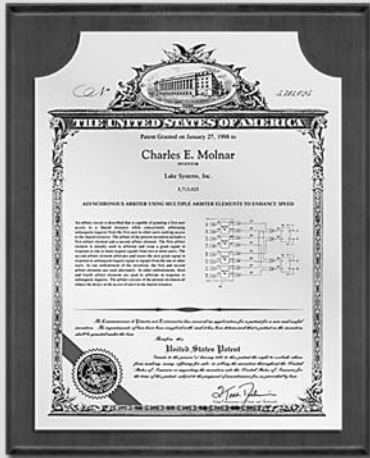
At the annual conference of the National Emergency Number Association, Huntsville, Alabama-based **Tel Control, Inc.** (TCI) announced that the company has been issued U.S. patent 6,744,858 granting all claims for “System and method for supporting multiple call centers.” The patent addresses the core technology and methodology behind both TCI’s iPSAP™, voice over IP (VOIP) 9-1-1 phone system, and the widely implemented centralized version of TCI’s InVision system. The patent covers both the products designed and manufactured by TCI for managing multiple call centers and the network design employed to allow multiple call centers to exist as a singular managed entity. TCI is a leader in providing telephony equipment to 9-1-1 centers.

***XDS Receives Second Patent
for Toxin Detection***

Xenobiotic Detection Systems, Inc. (XDS) announced that their most recent patent application (number US 6,720,431 B2) has been approved. XDS consultant (and former XDS laboratory director) Michael Chu and President George Clark combined their research skills to develop a rapid and relatively inexpensive methodology to quantify TEQs (Toxic Equivalence — measures of toxicity adopted by the World Health Organization) for individual toxic chemical groups.

***Zix Corporation Awarded U.S. Patent
for Secure Message Forwarding System
Company Also Announces Stock Option Grant***

Zix Corporation, (Nasdaq: ZIXI), a global provider of e-messaging protection and transaction services, announced it has been granted patent 6,732,101 for a secure message forwarding system. ZixCorp’s patented system allows secure messages to be sent to recipients who do not have a pair of public and private keys and do not have a desktop client. It also provides interoperability between different types of encryption systems.



“Select **Patent Awards**

...they provide the **best quality** for the price, coupled with **unsurpassed customer service** and support. **Patent Awards** was the **right choice** for us.”

— *Harris Corporation*

Inventor Recognition • Corporate Displays

Contact your Recognition Consultant for a **FREE personalized sample.**



800.319.2899

(ext. 103)

www.patentawards.com

488 East Bell Drive • Warsaw, IN 46582



Coinstar Issued U.S. Patent for its Proprietary Networking Technology That Supports Coin Counting and E-Payment Services

Coinstar Inc. (Nasdaq: CSTR) announced that the U.S. Patent Office awarded Coinstar a new patent covering various aspects of the company's proprietary networking technology. This latest patent brings Coinstar's total patent portfolio to 55 U.S. and foreign patents. The new patent, number 6,736,251, describes coin-counting machines equipped with communications functions for transmitting various types of transaction information to remote locations. These locations can include financial institutions that receive deposits from Coinstar coin counting machines, as well as service centers that receive notification when a machine is full or requires service.

LICENSING AGREEMENTS

Cougar Biotechnology Licenses Rights to Emory University's Noscapine Patent Portfolio

Cougar Biotechnology, Inc., a privately held biotechnology company, announced that it has licensed the worldwide, exclusive rights to Emory's intellectual property portfolio for noscapine and analogs of noscapine.

In 1998, Harish Joshi, PhD, professor of cell biology at **Emory University School of Medicine**, and his colleagues discovered that noscapine, an opium alkaloid that has been used as an antitussive agent in Japan, Sweden and South Africa, has potent antitumor activity against solid murine lymphoid tumors and against human breast and bladder tumors implanted in nude mice. Noscapine was found to bind stoichiometrically to tubulin and affect microtubule assembly, leading to the arrest of mammalian cells in mitosis and the initiation of programmed cell death, or apoptosis.

Under the terms of the licensing agreement, Emory received an up-front payment and will receive milestone payments as compounds progress through clinical development as well as a royalty on sales. As part of the licensing agreement with Emory, Cougar will be sponsoring additional preclinical research studies of noscapine that will be performed at Emory.

NTP, Inc. Enters Into License Agreement With Nokia

NTP, Inc., of McLean, Virginia has entered into a license agreement with **Nokia** under United States Patents 5,436,960, 5,625,670, 5,819,172, 6,067,451, 6,317,592 and related issued

patents and pending patent applications. The license covers all Nokia products and equipment, but excludes network communication services.

APPLICATION FILED

EnXnet, Inc. Announces Filing of Design Patent

EnXnet, Inc. (OTCBB: EXNT) announces it has filed for Patent rights covering its design for Electronic Article Surveillance (EAS) tag technology. The inclusion of all four of the major EAS tags into the hub ring of optical disc products such as digital video discs (DVD's) and compact discs (CD's) during the manufacturing process utilizes the entire usable space therein. In effect, the utilization of the hub ring of DVD's and CD's for inclusion of any security devices is covered by the patent application. These embedded devices will deter retail and employee theft.