

TECHNO BYTES™

PATENTS ISSUED

TowerData Awarded U.S. Patent for its Email Change of Address Technology

TowerData announced that the U.S. Patent and Trademark Office approved the issuance of patent # 7,254,573 for the company's Email Change of Address service.

TowerData's Email Change of Address service, commonly referred to as ECOA, is a process for identifying alternate contact information specific to email address. Previously, ECOA services relied on a costly and relatively ineffective method that required consumers to voluntarily provide their change of address information. In 2002, TowerData invented a new method for ECOA that tripled the number of addresses that could be updated by leveraging the information relationships that can be found in existing consumer databases. This method is now the industry standard for delivering ECOA services.

Integra5 Awarded U.S. Patent for TV Call Management Technology

Integra5, the pioneer in blending quad play bundles into converged services for simultaneous delivery across TVs and PCs, announced that the United States Patent and Trademark Office awarded the company a patent for "call management via television." This patent, US 7,277,445, protects Integra5's active call control and call screening on TV technology within both IPTV and cable networks.

Cardima Announces Patent for INTEL-LITEMP® Energy Management Device

Cardima, Inc. (OTCBB: CADM), developer of the REVELATION® Tx, REVELATION® T-Flex ablation microcatheters and INTELLITEMP® Energy Management Device, announces today that it received a new patent from the U.S. Patent and Trademark Office (U.S. Patent No. 7,252,664) for the Company's commercially available product, the INTEL-LITEMP® Energy Management Device. This device is used to control the delivery of radio-frequency (RF) energy during ablation procedures in the electro-physiol-

ogy and surgical markets. The feedback system incorporates both temperature and impedance from Cardima's full line of ablation microcatheters and surgical probes.

CompuMed, Inc. Awarded US Patent for Technology to Monitor Joint Disease

CompuMed, Inc. (OTCBB:CMPD) – a leading provider of imaging technology for skeletal health, and the company behind the OsteoGram™ system for bone density screening – announced that the United States Patent and Trademark Office has issued the company a patent for an automated method and system to assess or monitor the extent or progression of joint-damaging diseases such as osteoarthritis and rheumatoid arthritis.

The newly awarded patent, titled "Method, Code, and System for Assaying Joint Deformity," (USPTO # 10/625,444) contains 27 claims that cover CompuMed's proprietary image processing technology. This technology includes a new template method that can be used to detect the extent of joint-damaging disease and monitor its progress by comparing the patient's data to a normal database, as well as the patient's prior test results.

DECISIONS & SETTLEMENTS

Vonage and Sprint Settle Patent Dispute

Vonage announced that it has settled its pending patent dispute with **Sprint Communications LP** and entered into a licensing arrangement under Sprint's Voice over Packet ("VOP") patent portfolio. The parties have entered into an agreement to resolve this patent dispute as well as entered into a business relationship. In addition, Sprint has agreed to license Vonage its VOP portfolio.

The agreement is valued at \$80 million, including \$35 million for past use of license, \$40 million for a fully paid future license, and \$5 million in prepayment for services. On September 25, 2007, a Kansas jury handed down a verdict finding that Vonage had infringed six Sprint patents.

3M and Avery Dennison Settle Patent Infringement Lawsuits

3M and **Avery Dennison Corporation** [NYSE: AVY] have reached a settlement of lawsuits brought by 3M in the United States and the Netherlands for infringement of 3M's patents directed to release liners used in the manufacture and sale of pressure sensitive adhesives for large format graphics. The lawsuits have been resolved as part of a global settlement between 3M and Avery Dennison of patent disputes involving structured release liners, structured adhesives having air bleed capabilities and structured adhesives having repositionable capabilities.

As part of the settlement, Avery Dennison is now licensed under 3M patents to sell its earlier and existing Easy Apply Technology products in the large format graphics market. The license also includes a cross-license to 3M for related Avery Dennison patents. The financial terms of the litigation settlement and license are confidential.

GPS Industries Secures Patent Settlement from GPS GolfPro, LLC

GPS Industries, Inc. (OTCBB: GPSN), owner of golf-related GPS technology patents in 15 countries announces that it has licensed its golf-related GPS technology patent portfolio to **GPS GolfPro, LLC**.

The license settles GPS GolfPro's involvement in a major patent infringement lawsuit brought by GPS Industries in Dallas federal district court. The License Agreement covers all jurisdictions in which GPS Industries holds patents, including U.S. Patent No. 5,364,093.

McAndrews, Held & Malloy Secures Favorable Settlement for Design Firm The Jane A. Sassaman Co.

McAndrews, Held & Malloy announced it has secured a favorable settlement for its client **The Jane A. Sassaman Co., LLC** ("JAS") design firm in a copyright infringement dispute against **Wynn Resorts Holdings, LLC**, and its parent company, **Wynn Resorts Limited** (Nasdaq: WYNN). JAS founder Jane A. Sassaman is

internationally recognized as a leading textile artist.

The dispute concerned JAS' copyrighted fabric pattern "Color Garden" (U.S. Copyright Registration No. VA 1354487). Prior to its grand opening, the Wynn Las Vegas hotel, owned and operated by Wynn Resorts, ordered and subsequently installed in its "Parasol Up Lounge" carpeting that JAS claimed had utilized a design substantially similar to JAS' copyrighted "Color Garden" fabric pattern.

In 2006, McAndrews represented JAS in a copyright infringement dispute against Victoria's Secret. That dispute, which resulted in a favorable settlement for JAS, involved the JAS copyrighted fabric pattern "Big Leaves" (U.S. Copyright Registration No. VA1301548). The pattern was used in Victoria's Secret swimwear.

McAndrews attorneys Christopher V. Carani and Wilhelm L. Rao represented JAS.

WHAM-O Awarded \$6 Million in Trademark Infringement Trial

Heller Ehrman LLP client **WHAM-O®**, **Inc.**, a global branded consumer products company with a diversified portfolio of innovative toys, sporting goods and recreational products, announced today that it has prevailed in its lawsuit against **ToyQuest**, a Los Angeles-based toy company, for infringement of WHAM-O's federally registered trademark on the color yellow for water slides.

After a trial in federal court, a jury rendered a verdict against ToyQuest for willful trademark infringement, intentional false advertising, and willful dilution of WHAM-O's famous yellow trademark, awarding WHAM-O a sum of \$6 million. The case focused on Toyquest's Banzai Falls line of slide products, which the jury found improperly used WHAM-O's yellow trademark.

Haynes and Boone Wins in Heart Repair Device Patent Infringement Jury Trial

A Texas jury has returned a verdict affirming the validity of **Haynes and Boone, LLP** client **Chase Medical, LLP's** patents covering a method for surgically repairing human hearts after a severe heart attack. The verdict finds not only infringement but that the infringement was willful.

After a three-week trial in a Northern District federal court, the jury unanimously agreed that CHF Technologies, Inc. and Endoscopic Technologies, Inc.,



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both of Danville, Calif., had improperly infringed Chase Medical's unique method of left ventricular reconstruction using a shaping device known as the "Chase Mannequin™."

After two days of deliberation, the jurors concluded that Chase Medical was due lost profits of \$306,669 or royalty damages of \$131,725 because the defendants marketed a device, "the Blue Egg," which mimicked the Mannequin. The jury's unanimous finding of willful infringement provides the foundation for a request by Haynes and Boone attorneys for enhanced damages and attorneys fees.

The case stemmed from patents issued Chase Medical beginning in 2004 for left ventricle repairs on people who have suffered congestive heart failure. "The defendants introduced the Blue Egg device after reviewing Chase Medical's patent, its pending patent application and the Mannequin, so they were clearly aware of our client's groundbreaking work in this arena," Mr. Philbin said.

Jurors found that the defendants' surgical method using the Blue Egg infringed on all asserted claims of Chase Medical's two patents, both by contributory infringement

and by inducing infringement by others. In its motion for judgment, the Haynes and Boone team also has sought an injunction to prevent future use of the repair method using the Blue Egg.

IPG Photonics and Scientific-Atlanta Settle Litigation

IPG Photonics Corporation (Nasdaq: IPGP) announced that it has settled patent infringement claims made against the Company by Scientific-Atlanta, a subsidiary of Cisco Systems Inc., as well as IPG Photonics' counterclaims against Scientific-Atlanta, by mutual agreement. Terms of the settlement agreement were not disclosed. The settlement will not have any impact on IPG's financial statements or condition.

The settlement is related to a complaint filed with the United States District Court for Massachusetts in April 2005 by Scientific-Atlanta alleging that certain IPG Photonics products infringed a U.S. patent owned by Scientific-Atlanta.

This is the second patent litigation against IPG that the Company has settled in 2007 without material effect on its financial statements.