



## **Supreme Court brief filed, i4i remains confident**

Toronto, March 14, 2011 – In Washington DC, i4i has filed its brief with the Supreme Court regarding its infringement lawsuit against Microsoft Corp. The brief explains why the trial judge and the court of appeals correctly ruled in i4i's favour. It specifically explains that Microsoft's request to lower the standard of proof, for challenges to the validity of a properly issued patent, conflicts with over a century of judicial precedent and would have a host of deleterious consequences. These consequences include: (1) discouraging innovation—and thereby hurting the public—by weakening patent rights and creating great uncertainty as to patents' enforceability; (2) unfairly upsetting settled expectations, not only of inventors but also of investors, licensees, and others who have played by the existing rules for decades; and, (3) marginalizing the United States Patent and Trademark Office, which has the relevant expertise in this area, and which Congress long ago gave primary authority over issues of patentability.

Loudon Owen, Chairman of i4i, says, "We continue to be confident that i4i will prevail." Owen adds, "Our position from the outset has been clear – this attack on patent holders and the adverse implications from the change proposed by Microsoft are unprecedented and would deal a devastating blow to any US patent holder, large or small. The proposed change would dramatically hurt employment growth in any industry where new technology and invention is important – maintaining the existing law is vital for continuing innovation and job creation."

Oral argument before the Supreme Court will take place on April 18. A decision from the Court is expected by the end of June.

### **Brief Case Summary:**

In March 2007, i4i sued Microsoft for willful infringement of its United States Patent 5,787,449 ('449). On May 20, 2009, the jury found i4i's Patent '449 valid and infringed, and ordered Microsoft to pay damages to i4i. On August 11, 2009, the Honorable Leonard Davis issued a Final Judgment against Microsoft that included both an award of damages in excess of \$290 million USD to i4i, and a Permanent Injunction, which took effect on January 11, 2010. Microsoft unsuccessfully appealed the decision to the Court of Appeals for the Federal Circuit in late 2009, and also unsuccessfully sought a rehearing of the decision of the Court of Appeals in early 2010. The United States Patent and Trademark Office (PTO) reaffirmed the validity of patent '449, and, in late 2010, denied Microsoft's second ex parte application for a re-examination. In November 2010, the Supreme Court of the United States agreed to hear the case. Microsoft filed its brief in January 2011. That same month, the U.S. Biotechnology Industry Organization (BIO) filed an updated letter to the Attorney General with signatures from more than 260 organizations which are requesting support for i4i's position in the case. i4i filed its brief in March 2011.

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](http://www.i4ilp.com).

- 30 -

### **For further information, please contact:**

Loudon Owen – [lowen@mcleanwatson.com](mailto:lowen@mcleanwatson.com) or 416-307-3271

Melony Jamieson – [melony@getitdone.ca](mailto:melony@getitdone.ca) or 416-518-6355