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REGIONS

Merchant Bank Puts Patents On Auction Block

IP Law Bulletin (Tuesday, September 06, 2005)-- Intellectual property assets will soon be found on a Christie's-style auction block, catering to Fortune 500 companies among others, when merchant bank Ocean Tomo LLC launches live patent auction events in April 2006.

The bank's IP auction house, the first of its kind, will auction patents after a careful selection and rating process. The auctions will take place twice each year, one on each coast, with patents solicited in advance for their potential value and some buyers invited based on company analysis.

The first auction will take place in California's Silicon Valley and be simulcast on the internet.

Ocean Tomo, which specializes in intellectual property assets, acquired a California patent rating boutique earlier this year to rate each patent being considered for auction and publish a patent rating booklet.

The ratings will be generated using a complex, objective model based on 20 years of research. Specifically, it will use statistical models of datasets of renewed versus abandoned patents to predict value, the bank said.

The rating system and auctions will provide a service that attendees will find ground-breaking, according to James E. Malackowski, CEO of Ocean Tomo.

"This has been generated out of a couple of recent trends. First, there has been significant growth in the number of patent sale transactions. Second, the usual means of disposing of core or non-core technology patents have become limited and people are still looking to liquidize," Malackowski said.



European Parliament Clears Marketing Exclusivity For Pediatric Testing

The European Parliament has approved a proposal to extend patent protection on some drugs in return for pediatric research.

Finisar, Agilent Clash Over Fiber-Optic Technology Patent

Wednesday, September 07, 2005

Finisar Corporation, a fiber optics technology company, has sued rival Agilent Technologies Inc. after being granted a new patent for its transceiver diagnostics equipment.

MyMail, Verizon Settle Patent Dispute Over Dial-Up Access Technology

Wednesday, September 07, 2005

Telecom carrier Verizon Communications Inc and Texas-based MyMail Ltd. have settled patent infringement litigation over technology for improving dial-up internet connectivity.

Symbol, Intermec Settle Bitter RFID Patent Dispute

Wednesday, September 07, 2005

Rivals Symbol Technologies and Intermec Technologies Corp. have settled a bitter and publicly fought patent dispute over an emerging wireless tracking technology that could one day replace bar codes on packaged goods.

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He is confident there are as many buyers as sellers, waiting to take advantage of the new format.

"There are lots of Fortune 500 companies who will be attending the first auction, but at this point they do not want to be identified," Malackowski said.

Malackowski envisions the auctions being copied as popularity increases; perhaps altering altogether the way technology is researched, developed and licensed.

However, he does not foresee patent acquisition companies, which buy and assert patents as their primary business, as participating greatly.

"Ultimately, the strategic corporate buyers will prevail at auction due to their ability to get products to market," Malackowski said.

Ocean Tomo will receive a portion of the patent auction price for third-party patents, comprised of a combination of the buyer and seller premiums, similar to most other auction houses. The firm will also charge fees for the auction's patent ratings books.

In August, Ocean Tomo launched an investment fund to provide private equity capital and mezzanine debt to companies with undervalued intellectual property rights, including patents and trademarks.

The fund will issue private debt and make equity investments at competitive rates to qualified middle-market operating companies that are generating revenues of approximately \$50 million to \$1 billion, Ocean Tomo said.

- **Mysterious Bidder Snaps Up Commerce One Patents For \$15.5M** (Monday, December 06, 2004)
- **Computer Company Asks Court To Vacate Commerce One Patent Sale** (Friday, March 11, 2005)
- **Mystery Solved: Novell Behind Acquisition Of Commerce One Patents** (Tuesday, May 03, 2005)
- **Ocean Tomo Launches IP Private Equity Fund** (Tuesday, August 09, 2005)

Questions? Comments? [E-mail the editor.](#)

Lexmark Prevails In Suit Over Patented Printer Cartridges

Wednesday, September 07, 2005

A U.S. appeals court has rejected a claim by the Arizona Cartridge Remanufacturers Association (ACRA) that Lexmark International Inc. engaged in unfair business practices by offering discounts for its patented printer cartridges to printer buyers.

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Elan, Andrx Antitrust Battle Over Naproxen Deal Heads Back To District Court

Tuesday, September 06, 2005

A federal appeals court has reinstated part of an antitrust challenge to a deal between Irish drug maker Elan and Skyepharma over a generic version of the non-steroidal anti-inflammatory drug Naprelan (naproxen sodium).

Alza, Impax Clash Over Patents For ADD/ADHD Drug Concerta

Tuesday, September 06, 2005

California-based Alza Corporation, a maker of drugs for attention disorders, has filed a complaint against two domestic rivals over their attempts to gain approval for generic versions of its drug Concerta.

Aventis Files Fresh Patent Suit Against Mylan Over Generic Allegra

Tuesday, September 06, 2005

Aventis' patents for the lucrative allergy drug Allegra spawned new litigation last week against Mylan Pharmaceuticals, just as new plans were announced by rivals Barr and Teva to cooperate in manufacturing a generic version of some dosages.

Novo Nordisk Sues Sanofi-Aventis Over Insulin Delivery Patents

Tuesday, September 06, 2005

Danish drug maker Novo Nordisk A/S has sued its French rival Sanofi-Aventis over patents for its device for administering insulin to people living with diabetes.

AstraZeneca Sues Pharmacy Over “Bait And Switch” Tactic With Popular Asthma Drug

Tuesday, September 06, 2005

AstraZeneca has sued a manufacturer for trademark infringement and false advertising under the Lanham Act, alleging a copycat version of its inhaled asthma medication Pulmicort Respules is forced on unsuspecting customers.

Model Accuses Sean “Puffy” Combs Of Misusing His Image

Monday, September 05, 2005

Male supermodel Tyson Beckford has sued rap-mogul-turned-fashionista Sean “Puffy” Combs for misusing his image after their advertising agreement collapsed amid a dispute over payments.

Smith & Nephew Prevails Against Synthes In Medical Device Patent Suit

Monday, September 05, 2005

United Kingdom-based Smith & Nephew Inc., a global medical device maker, prevailed in the first phase of its patent infringement trial with its Swiss rival Synthes Inc. in district court this week, over technology for aiding the healing of bone fractures.

Gemstar, Pioneer Settle Patent Dispute Over TV Navigation Technology

Monday, September 05, 2005

Media and technology company Gemstar-TV Guide International Inc. has reached another licensing agreement with Pioneer Corporation, paving the way for the Tokyo-based company to expand its use Gemstar’s technology in its consumer electronics products.

Appeals Court Bars Reverse Engineering In DMCA Gaming Dispute

Monday, September 05, 2005

In a decision with ramifications for reverse engineering of software, the U.S. Court of Appeals for the 8th Circuit has affirmed a lower court’s decision to bar “add-on” technology being used to mirror a popular online gaming network.

**Professor Sues IP Manager, Law Firm For
Abandoning \$20M Patent**

Friday, September 02, 2005

A Johns Hopkins Hospital neurosurgery professor has sued the intellectual property management company Computer Patent Annuities and the law firm Holland & Knight for causing the abandonment of a patent worth \$20 million by failing to pay the annual maintenance fee for a Japanese patent for the pain reliever Clonidine.

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