

**For Immediate Release:**

**i4i Limited Partnership Prevails in  
High Stakes Supreme Court Patent Suit Against Microsoft**

**Lafayette, IN (June 9, 2011)** – Supreme Court Justice Sotomayor wrote today’s opinion reflecting the Court’s 8-0 ruling that the defendants in infringement suits must demonstrate invalidity by “clear and convincing” proof before a patent can be ruled invalid. Justices Breyer and Thomas delivered concurring opinions. The Chief Justice, recused from proceedings, took no part in the decision. The ruling preserves the long standing burden of proof established by Justice Benjamin Nathan Cardozo in the 1934 RCA v. Radio Engineering Laboratories case and later codified in the Patent Act of 1952 (see 35 U.S.C. 282).

Lafayette, Indiana based AmiCOUR IP Group, LLC was one of 24 amicus curiae filers in the high profile case who expressly supported i4i by presenting arguments believed worthy of consideration by the Court. The firm’s amicus brief suggested that Microsoft’s proposed lower standard of proof, termed “preponderance of evidence,” would financially devalue patent protections across the board, and in turn, render the ruling of the United States Patent Office granting each patent as potentially moot. The brief also cited accounting standards suggesting that there were certain circumstances under which a resulting devaluation of patent asset carrying values might trigger a reportable financial event affecting shareholders of publically traded companies.

“The minute we read Microsoft’s arguments to challenge the presumption of validity of every granted patent, we knew this case represented a serious threat to patent values in addition to having a potentially broader impact on all administrative agency decisions,” stated Scott Bechtel, AmiCOUR’s CEO. “Microsoft’s notions seemed so outside of past judicial patterns, including giving deference to decisions made by the Commissioner of Patents, that we began looking at the case. We initially wrote an opinion in a professional newsletter, but soon, we were encouraged by several readers to share our conclusions with the Court. We decided to translate our article into an amicus brief.”

The job was easier said than done, and the firm soon discovered that preparing a proper Supreme Court brief would require an expanded team of two attorneys and a group of volunteers including four students at the Indiana University School of Law and a professor who had served as a clerk for the Supreme Court. “We worked with the students to carefully parse through complex Accounting Standard Codifications and provide a great deal of the more traditional legal research,” explained Tony Escobar, AmiCOUR’s EVP and Chief Financial Officer. “We also used our own proprietary software to accelerate the process of finding the most effective citations.” Bechtel added, “It helped to be working in the litigation services industry.” Retired attorney Brian Fahey, who co-authored the original article with Bechtel, assisted by assembling the Indiana based student legal team and following through on details until the filing was complete.

Attorney Kirstin M. Jahn of Colorado based Jahn & Associates, LLC served as AmiCOUR’s lead counsel, supported by Robert A. Rowan of the Arlington, Virginia based firm of Nixon & Vanderhye PC. Other amicus filers supporting i4i Limited Partnership included the United States Government and a group of former Commissioners of the United States Patent and Trademark Office. The Court’s ruling comes as welcome news to universities, research institutions, corporate patent holders, and independent inventors.

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**About AmiCOUR IP Group, LLC:** AmiCOUR IP Group a leading intellectual property consulting company providing IP asset management and consulting services, litigation support, royalty audits, and patent management software tools.

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