



Press Release

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**BROWN RUDNICK FILES PETITION WITH U.S. SUPREME COURT
IN PATENT INFRINGEMENT LAWSUIT
ON BEHALF OF CAPITAL BRIDGE CO., LTD**

New York, NY, November 7, 2007 – Brown Rudnick, a premier international law firm, announced today it has filed a Petition for a Writ of Certiorari with the Supreme Court of the United States on behalf of its client, Capital Bridge Co., Ltd. The petition asks the Supreme Court to overturn the Federal Circuit's affirmation of the District Court's ruling in the case of *Capital Bridge Co., Ltd v. IVL Technologies Ltd., Memcorp, Inc. and Craig Electronics, Inc.* (collectively "IVL"), in which a Federal Circuit affirmed a relatively strict patent interpretation rule that many believe to have been overruled in a 2003 Supreme Court decision.

Today's filing stems from a lawsuit initiated on May 26, 2004 by karaoke machine manufacturer and karaoke music publisher Capital Bridge to address infringement of its handheld karaoke machine patent sold by respondent IVL. In that matter, the District Court ruled in favor of IVL, stating that there was no infringement because the IVL karaoke device did not use wireless technology. While there was no literal infringement, Capital Bridge argued under the "Doctrine of Equivalence" that the two systems were equivalent, and therefore, infringement occurred. Capital Bridge appealed the ruling to the Federal Circuit, but the higher court affirmed the District Court's decision.

According to Anthony H. Handal, a Partner in Brown Rudnick's Litigation Department and lead counsel for Capital Bridge, "If the case is allowed to stand, Federal judges will have increased discretion in deciding cases and preventing them from reaching a jury. In the case being appealed, notwithstanding a clear Supreme Court precedent to the contrary, even patent applications which have been broadened in scope during their prosecution before the



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USPTO may be denied equitable interpretation under the so-called Doctrine of Equivalence which has been a part of American jurisprudence since the Supreme Court handed down its decision in the *Winans v. Denmead* in 1854."

Mr. Handal is a trial lawyer who has worked exclusively in the patent field since the 1970s. He has been involved in other landmark intellectual property cases, and is the attorney who succeeded in obtaining the recent Second Circuit decision holding clothing protectable by the copyright law. In this 2005 decision, the U.S. Court of Appeals for the Second Circuit ruled that garments can now be protected by copyright, reversing previous rulings from a long line of cases that held garments were not protectable under U.S. copyright law. In that case, the court held that sculptural aspects of clothing can be considered under the copyright law if design elements are proven to be separable from functional elements.

Currently Mr. Handal has another case pending in the Ninth Circuit in which experts in the field expect that this court will break with a longstanding precedent decided by the Second Circuit holding that karaoke music modules are not eligible for a compulsory license under the Copyright Act.

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