



Infringement: Uncovering case-winning prior art for a Fortune 100 electronics company

The client

A Fortune 100 electronics company

Solution elements

RWS IP Research: Crowd Search

The challenge

A Fortune 100 electronics company was the target of an infringement litigation suit from an ambitious Non-Practicing Entity (NPE). The technology in question was included in a core component of the electronics company's most recognized product; losing the case was not an option.

The company had previously used a particular piece of prior art to circumvent litigation in similar situations. However, this art had already been used in court and was therefore ineligible to be used again. In order to secure a new piece of prior art to use in their case against the new NPE suit, the client conducted a number of prior art searches utilizing both their own internal research teams and traditional prior art search firms. They spent weeks on research, scouring a number of databases and assorted global resources. None of the searches were successful.

The solution

After their disappointing results, the well-recognized electronics company came to RWS seeking a more successful outcome. They opted to run a CrowdSearch Study, utilizing the strength of the entire RWS Crowd.

After the company's initial searches, all traditional areas of prior art literature had already been scoured. As a result, RWS and the company advised the research community to search through unique and diverse resources to uncover the winning piece of prior art.

"RWS was the only research firm able to locate **unique and usable prior art** to address this critical and challenging situation."

Key benefits for the client

- Resulting data allowed the client to find an invalidity contention
- Infringement case successfully resolved

The results

The RWS research community not only rose to the challenge, but exceeded expectations. Researchers returned a plethora of prior art from all over the world. The community submitted over 1,500 references, including more than 150 non-patent literature references and 100 non-US patents.

When hit with the suit, the Fortune 100 technology company had been faced with two options: settle the case for millions of dollars or find a case-winning piece of prior art. With the help of RWS, they found more than just one piece of case-winning prior art - they found four:

- › Two original-copy music magazine articles, both published in the early 1980s.
- › One article from a technology magazine, also published in the early 1980s.
- › A United Kingdom patent application from the late 1980s.

After all of the company's prior art research, RWS was the only research firm able to locate unique and usable prior art to address this critical and challenging situation. The art was later leveraged in litigation and allowed the client to find an invalidity contention. As they later noted, the references uncovered by the RWS community relieved them of a significant amount of stress, allowing them to resolve the infringement case and return their focus back to developing new products and innovative technology.



About RWS IP Solutions

RWS is the world's leading expert in IP research, patent translations, foreign patent filing and database services.

For over 60 years, RWS has led the industry and helped more than 10,000 clients protect and enforce their IP rights around the world. We can help you:

- Ensure the highest quality patent translations
- Cut costs and save resources
- Simplify and streamline

About RWS IP Research

RWS has the largest pool of IP researchers in the world, combining a team of in-house subject matter experts with a Crowd of over 40,000 skilled researchers.

Our Crowd works on a highly cost-effective 'contest' pricing model. This means you could have dozens, even hundreds of researchers working for you, with complete budget confidence.

Every study is managed by our team of skilled research managers who, in addition to years of research experience, have advanced educational degrees.

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