PTO Reexamination Finds Convolve Patent Valid

Date: Aug 28, 2008
Professional(s):
Scott A. McKeown
Stephen G. Kunin
W. Todd Baker

Practice Area(s): Post Grant Patent Proceedings

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The U.S. Patent and Trademark Office (USPTO) concluded reexamination of U.S. patent 6,314,473 on August 20, 2008, providing a Notice to Issue a Reexamination Certificate (NIRC) to **Convolve**, Inc. of Armonk, NY. The reexamination was initiated by Seagate Technologies, LLC.

This is the second proceeding before the USPTO involving Convolve's patent portfolio. In August 2007, the Board of Patent Appeals and Interferences (BPAI) found in favor of Convolve and against Seagate in an interference involving an application related to the '473 patent.

In the reexamination, the validity of the '473 patent's issued claims was confirmed by the USPTO, without change to the originally issued claim scope. "I am extremely pleased with the PTO results, confirming the strength and validity of our patent. It is a key finding in our patent infringement suit against Seagate and Compaq," said Neil Singer, Ph.D., president of Convolve and one of the inventors of the technology at issue.

"This patent portfolio has held up under intense scrutiny by both the Central Reexamination Unit and the BPAI. These validity findings substantially strengthen the Convolve patent portfolio," said **Todd Baker,** a partner with Oblon, Spivak. Oblon, Spivak represented Convolve in both the reexamination and in the earlier interference.

Convolve is seeking damages in a lawsuit against Seagate and Compaq Computer Corp. in which Convolve alleges infringement of the '473 patent and one other patent, as well as numerous trade secret misappropriations, all involving Convolve's proprietary disk drive technologies, and claims of breach of contract. A trial date is pending in federal court.

On June 18, 2008, Convolve filed a separate patent infringement lawsuit against Dell Computer, Western Digital, Hitachi Global Storage Technologies, Inc., and Hitachi Ltd., asserting the '473 and another patent.

Convolve's core vibration reduction technology is licensed to many large companies worldwide. For more information on Convolve visit www.convolve.com .

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