Tracking Rankings Jobs News

Platform Tools

Oblon, Spiva... | Sign In



Printable Version



Share Article



Rights/Reprints



Editorial Contacts

Unified Patents Seeks USPTO Review Of Clouding IP's Patent

By David McAfee

0 Comments

Share us on: 📊 📭 📙



Law360, Los Angeles (September 17, 2013, 8:39 PM ET) -- Unified Patents, which purports to counter the risk and cost of so-called patent troll litigation for clients, has filed for an inter partes review with the U.S. Patent and Trademark Office in an effort to combat "widespread litigation" brought by patent licensor Clouding IP LLC, according to documents filed Monday.

The filing requests the PTO's review of Clouding's U.S. Patent Number 6,738,799, which allegedly covers file synchronization technology deployed in the solutions of some of the most successful cloud storage companies. Clouding has sued a number of top companies, including Oracle Corp., Apple Inc., Google Inc., Amazon.com Inc., Rackspace Hosting Inc. and others, based on the '799 patent.

Unified's request states that prior art references available before the '799 patent's earliest priority date raise substantial new questions about the patentability of the patent's claims.

"Clouding IP has gained a reputation as a patent 'troll' and is pursuing litigation against a number of defendants for allegedly infringing a patent we firmly believe to be invalid," Kevin Jakel, founder of Unified, said in a statement Tuesday. "We want all nonpracticing entities to know that Unified will vigorously challenge invalid patents being asserted in cloud storage. We are pleased to be at the forefront of protecting strategic technologies from NPE activity."

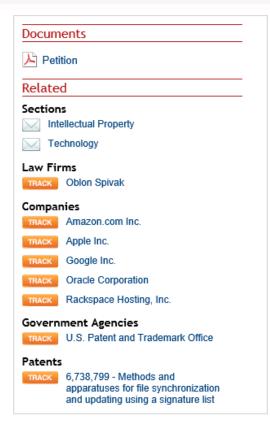
The IPR proceeding is a new PTO alternative to the high cost of patent litigation that is being utilized to break the business model of "patent trolls," according to Unified.

North Carolina-based Clouding's '799 patent has been the subject of two prior IPRs filed by Oracle. In those proceedings, the PTO instituted trial for the first IPR and found the claims of the '799 to be reasonably likely to be unpatentable.

Clouding then attempted to amend its claims — which Unified says was a form of conceding unpatentability of the challenged claims — but continued its assertion of the '799 patent in district court. Unified further says that both IPRs ended in late July as a result of a settlement between Oracle and Clouding.

The petition comes the same day as a Delaware federal judge refused to dismiss a willful infringement claim against Google in a patent infringement action brought by Clouding at the same time as he dismissed Clouding's induced infringement claims.

Clouding launched that action against Google last year, asserting infringement of nine U.S. patents, including '799. Three months later, Clouding filed an amended complaint adding claims of induced and willful infringement. Google moved to dismiss the amended



INTELLECTUAL PROPERTY

TOP NEWS

Ex-Jenner & Block Client Wants \$4M Patent Fee Award Axed

USPTO Gets 2nd Biz Method Review Bid By Major Bank

Apple Must Surrender Employee Emails In Swipe Patent Row

ANALYSIS

Fights Over Pre-1972 Songs Show Need For Federal Fix

PATENTS

Unified Patents Seeks USPTO Review Of Clouding IP's Patent

Research Website Accuses 'Patent Troll' Of Extortion

Boston Scientific Settles Coronary Stent Patent Disputes

Edwards' Invalidity Claims Tossed In Nerve-Tech Patent Row

ITC To Probe Toyo's Claims Of Asian Knockoff Tires

Dukes Prevents Class Cert. In Nexium MDL, AstraZeneca Says

CORRECTED: FTC's Brill Vows To Fight

complaint in October, according to court documents.

"We are confident the patent trial and appeal board will institute review of the '799 patent and cancel the challenged claims," Michael L. Kiklis of Oblon Spivak McClelland Maier & Neustadt LLP, counsel to Unified, said on Tuesday. "We are excited to support Unified Patents in its decision to challenge invalid patents in the hands of companies like Clouding IP."

Unified is represented by Michael L. Kiklis and Bradley D. Lytle of Oblon Spivak McClelland Maier & Neustadt LLP.

Counsel information for Clouding wasn't immediately available Tuesday.

The case is Unified Patents Inc. v. Clouding IP LLC, IPR-2013, before the Patent Trial and Appeal Board.

--Editing by Rebecca Flanagan.

Related Articles

Akin Gump Patent Ace Jumps To IP Firm Oblon Spivak USPTO Deputy Commissioner Joins Oblon, Spivak

Fed. Circ. Upholds Dismissal Of Golf GPS Patent Suit

Oblon Spivak Top Patent Filer In 2006

Oblon Spivak Scoops Up Former Register Of Copyrights

Latest in Intellectual Property

Rainmaker Q&A: DLA Piper's Stasia Kelly

Fights Over Pre-1972 Songs Show Need For Federal Fix

Commerce Asks FCC To Make Carriers Unlock Cellphones

Ex-Jenner & Block Client Wants \$4M Patent Fee Award Axed

Apple Must Surrender Employee Emails In Swipe Patent Row

0 Comments

Sign in to comment

Terms of Service

Against Pay-For-Delay

COPYRIGHTS & TRADEMARKS

'Porn Troll' Attys Should Pay Fees In IP Suit, Judge Says

Sens. Seek Private Sector Help To Curb Internet Piracy

Car Designer Don Yenko's Heirs Sue Over Knockoffs

Commerce Asks FCC To Make Carriers Unlock Cellphones

Smartphone Dealer Says T-Mobile, Sprint Tattled To Feds

TRADE SECRETS

New York Pizzeria Says Ex-VP Stole Secrets To Start Rival

PEOPLE

Davis Wright Tremaine Lures Back Ex-FCC Litigation Chief

EXPERT ANALYSIS

When Jury's Verdict Is Not The End Of Patent Damages Case

LEGAL INDUSTRY

Sidley Austin Lures 8 Weil Gotshal Partners In Dallas

Kirkland & Ellis Chases China Deals With New Beijing Office

Ousted Collins O'Neal Partner Barred From Firm Business

Jury Lets Silicon Valley Law Group Off Hook For Malpractice

11th Circ. Says Disbarred Atty's Debt Not Dischargeable

Lawyers Mobilize In Wake Of Navy Yard Shooting

Pro Bono Firm Of 2013: Patterson Belknap

© Copyright 2013, Portfolio Media, Inc. | Home | About | Contact Us | Site Map | Site Index | Jobs | Careers at Law360 | Mobile | Terms Beta Tools: Track docs | Track attorneys | Track judges