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IP & COMMERCIAL LITIGATION

Big Win for J.C. Penney – Eolas Interactive Web Patents Invalidated by Tyler Jury

DALLAS (February 14, 2012) – J.C. Penney Corporation and several other companies won a significant victory on February 9, 2012, after a jury in Tyler, Texas, invalidated two web patents owned by Eolas Technologies. Buether Joe & Carpenter, LLC served as trial counsel to J.C. Penney.

Eolas went to trial against Google, Yahoo!, Amazon, YouTube, CDW, Staples, Adobe Systems and J.C. Penney, accusing them of infringing U.S. Patent Nos. 5,838,906 and 7,599,985. Eolas claimed that the patents enabled “interactive” web features, including viewing video and manipulating pictures by panning and zooming through plug-ins within a web browser.

The trial was scheduled to proceed in four phases, with the first phase to decide validity of the patents and the next three phases to determine infringement and damages. Counsel for Google, Yahoo! and Amazon were taken the lead on the invalidity phase. Several early internet pioneers were called as witnesses, including the inventor of the World Wide Web Tim Berners-Lee and co-creator of Mosaic and co-founder of Netscape Eric Bina.

Eric Buether, CEO of Buether Joe & Carpenter, commented, “The cast of internet luminaries presented at trial was truly impressive. We owe those witnesses a debt of gratitude for traveling to Tyler to testify in this very important case.”

“Our hats are off to the Google and Yahoo! lawyers who worked up the invalidity side of this case. They did a marvelous job,” added founding partner Chris Joe.

Buether Joe & Carpenter, LLC is an intellectual property and commercial litigation boutique law firm focusing on patent, copyright, trademark, trade secret, and unfair competition lawsuits, as well as antitrust, contract and other business disputes for both plaintiffs and defendants. BJC offers clients the expertise of attorneys with decades of experience in handling complex litigation in an effective and efficient manner.

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