

# OPTi Wins \$2.1M Jury Award In 'Pre-Snoop' Patent Suit

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By **David McAfee**

Law360, Los Angeles (May 31, 2013, 8:27 PM ET) -- A Texas federal jury on Friday handed a \$2.1 million verdict to OPTi Inc. in a suit brought against Via Technologies Inc. for infringing patents related to predictive snooping technology, ruling that Via Technologies infringed one of the patents.

OPTi slapped Via and another company with the lawsuit in July 2010. The California-based chipset manufacturer claimed the defendants infringed its "pre-snoop" patents through their sale of logic chipsets, motherboards, microcomputers and other products that use the technology.

The jury found on Friday that Taiwan-based Via and its American counterpart directly infringed and induced others to infringe OPTi's U.S. Patent Number [5,710,906](#) and, despite Via's efforts, that the disputed claim in the patent was not invalid. OPTi did not prove that Via willfully infringed the patent, according to the jury.

The jury awarded OPTi \$2,111,405 in damages to compensate for Via's infringement. Via also will be required to pay OPTi an ongoing royalty as it continues to sell infringing products.

On July 30, 2010, OPTi hit Silicon Integrated Systems Corp. and Via with a [lawsuit for patent infringement](#). OPTi claimed that SIS and Via induced third-party manufacturers to make and sell products whose operations infringe the pre-snoop patents and said the alleged infringements were willful and deliberate.

OPTi listed SIS's SiS964 Southbridge and VIA's VT8237A Southbridge among the products that allegedly infringed the patents, U.S. Patent Numbers 5,710,906 and [6,405,291](#). The company sought triple damages for willful patent infringement, as well as a permanent injunction and attorneys' fees, according to the original complaint.

In October of last year, U.S. District Judge Rodney Gilstrap granted OPTi's and SIS's joint motion to dismiss the claims against SIS with prejudice after the companies announced a settlement for an undisclosed amount.

In January, OPTi and Via agreed to dismiss all claims and counterclaims regarding U.S. Patent Number 6,405,291.

By the time of trial on Tuesday, OPTi was alleging that Via alone infringed and induced infringement of claim 26 of the '906 patent.

The jury on Friday sided with OPTi, finding that Via directly infringed the '906 patent and induced others to do so.

Brian A. Carpenter of Buether Joe & Carpenter LLC, counsel to Via, said the company is

weighing its options for appeal.

“While disappointed that the ‘906 patent was not found invalid and not infringed, the \$2.1 million was a small fraction of what OPTi was seeking, and we appreciate the jury’s decision in that regard,” Carpenter told Law360 on Friday.

A representative for OPTi declined to comment.

The patent-in-suit is U.S. Patent Number 5,710,906.

OPTi is represented by Michael L. Brody and Ethan McComb of [Winston & Strawn LLP](#) and by Taras A. Gracey, Tom Rammer and Robert G. Pluta of [Steptoe & Johnson LLP](#).

Via Technologies is represented by Christopher M. Joe, Eric W. Buether, Brian A. Carpenter, Mark D. Perantie and Timothy J.H. Craddock of Buether Joe & Carpenter LLC.

The case is OPTi Inc. v. Via Technologies Inc. et al., case number 2:10-cv-279, in the United States District Court for the Eastern District of Texas, Marshall Division.