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Broadblast Makes Exit From Mass Message IP Suit

By **Liz McKenzie**

Law360, New York (May 19, 2010) -- Tech Radium Inc. has dropped Broadblast Inc. from a suit accusing nearly a dozen communications companies of infringing three mass notification patents.

The parties filed a joint motion for dismissal Tuesday in the U.S. District Court for the Eastern District of Texas, seeking to eliminate all claims between them without prejudice.

Shawn Staples of The Mostyn Law Firm, who represents TechRadium, said Broadblast was merely a reseller of products made by defendant SWN Communications Inc. He declined to comment on whether the dismissal was the result of a settlement.

Attorneys for Broadblast declined to comment on the move.

In March, TechRadium filed a stipulation of dismissal allowing defendant GroupCast LLC to exit the case. An attorney for GroupCast said at the time that the dismissal was not the result of a settlement, but declined further comment.

Sugarland, Texas-based TechRadium lodged the suit in September, accusing AtHoc Inc., Parlant Technology Inc., Reliance Communications Inc. and others of infringing its patented Immediate Response Information System mass group messaging technology.

IRIS allows group administrators to deliver messages simultaneously through multiple communications gateways to members of a certain group, who may elect to receive messages via voice message, text message, e-mail or other formats, according to the plaintiff.

"Using prior technology to send a single message through multiple communication gateways would require the author to send the message multiple times — one through each communication gateway," the complaint said.

TechRadium asserts that the defendants have infringed three patents — U.S. Patent Numbers 7,130,389; 7,496,183; and 7,519,165 — by manufacturing or selling their respective messaging systems.

In addition to economic damages, the suit seeks treble damages, a permanent injunction, attorneys' fees, interest and other costs.

SwiftReach Networks Inc., Twenty-First Century Communications Inc., Saf-T-Net Inc., First Call Network Inc. and EduLink Systems Inc. are also named as defendants in the suit.

TechRadium has also targeted popular Web service Twitter Inc. in a separate infringement suit involving the same patents. The company filed that suit in August, alleging that it lost profits because the IRIS technology was licensable to Twitter.

"Plaintiff at all times has been and is now willing to grant licenses to qualified parties, including defendant, for the use of its patented technology, at a reasonable royalty rate," that complaint said.

That patents-in-suit in the current matter are U.S. Patent Numbers 7,130,389; 7,496,183; and 7,519,165.

TechRadium is represented by The Mostyn Law Firm and Spangler Law PC.

Broadblast is represented by Buether Joe & Carpenter LLC and Heslin Rothenberg Farley & Mesiti PC.

The case is TechRadium Inc. v. AtHoc Inc. et al., case number 2:09-cv-00275, in the U.S. District Court for the Eastern District of Texas.

--Additional reporting by Erin Fuchs

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