U.S. Court of Appeals for the Federal Circuit Confirms Invalidity of Patent Claims Asserted by Intellectual Ventures against Trend Micro

Ruling confirms generic and abstract ideas are not patentable

DALLAS--(BUSINESS WIRE)--Trend Micro Incorporated (TYO: 4704; TSE: 4704), a global leader in security software and solutions, applauds the recent ruling of the Federal Circuit Court which confirmed the invalidity of patents asserted against Trend Micro by Intellectual Ventures (IV). Following a ruling by the U.S. District Court of Delaware annulling Intellectual Ventures' claims, IV appealed to the Federal Circuit Court, which has now affirmed the District Court's initial ruling.

"As a company investing millions of dollars in research and development every year, we understand the importance of being able to patent new, original and innovative products and solutions," said Eva Chen, CEO, Trend Micro. "However, patents can't be so generic or abstract that they simply could cover anything or nothing. This ruling is important for Trend Micro, but also for our whole industry."

IV initially sued Trend Micro for infringement of various claims of U.S. Patent Nos. 6,460,050 ('050) and 6,073,142 ('142), seeking $150 million. IV asserted two other patents, but Trend Micro was able to get IV to drop those patents because IV likely believed them to not be infringed or invalid. IV in fact dropped one of those patents during the pendency of its patent ineligibility motion. The district court of Delaware declared the claims of the two remaining patents to be asserted, the '050 and '142 patents, to be patent-ineligible. The '050 patent allegedly related to generating a digital identifier for email messages through a method of filtering. The '142 patent allegedly described an "automated post office" which allows for the analyzing and filtering of vetted emails recognized to be unsafe.

"Of course it's well understood that obvious and generic ideas should not patentable, and the Federal Circuit Court's decision to confirm the invalidity of the patents in suit strikes a fair balance between the interests of real companies that invest in innovation and the need to protect American businesses from overbroad claims brought by speculators, which are damaging our economy," said Felix Sterling, executive vice president and chief legal officer for Trend Micro. "Trend Micro will always defend itself against opportunistic claims based on overbroad assertion or invalid patents."

During the course of these proceedings, Trend Micro has been represented by a team lead by Yar R. Chaikovsky with his partners D. Stuart Bartow and Allan Soobert of Paul Hastings LLP.

For more information regarding the case, please see Intellectual Ventures I LLC v. Trend Micro Inc. et al., case number 1:10-cv-01067-LPS, residing in the U.S. Court of Appeals for the Federal Circuit.

About Trend Micro

Trend Micro Incorporated, a global leader in cyber security solutions, helps to make the world safe for exchanging digital information. Our innovative solutions for consumers, businesses, and governments provide layered security for data centers, cloud environments, networks, and endpoints. All our products work together to seamlessly share threat intelligence and provide a connected threat defense with centralized visibility and control, enabling better, faster protection. With more than 5,000 employees in over 50 countries and the world's most advanced global threat intelligence, Trend Micro enables users to enjoy their digital lives safely. For more information, visit www.trendmicro.com.

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