

Judge: \$1.17 billion patent verdict for CMU stands

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A U.S. judge declined to reduce a \$1.17 billion patent infringement verdict that Carnegie Mellon University won against a California technology firm in 2012.

U.S. District Judge Nora Barry Fischer previously rejected Marvell Technology Group's bid for a retrial in the case involving use of the university's 1998 [patented technology](#) in chips manufactured for computer hard drives.

In a 73-page opinion released late Tuesday, the judge also rejected Marvell's argument that that the amount should be reduced by \$620 million because of the university's lack of diligence in protecting its patents.

Fischer said the university "inexcusably" waited five years before suing, but that delay was offset by Marvell's "deliberate and sustained" infringement. She has yet to rule on university motions to increase damages.

The [judge](#) noted that Marvell used the [technology](#) to bring in \$10.34 billion in revenue and \$5.05 billion in profit. She said university researchers worked on the technology from 1995 to 1998 and then applied for a patent, and although Marvell knew of their work, the company developed its technology from 2001 through 2003.

She said Carnegie Mellon knew at least by April 2003 that Marvell was

using the technology but did nothing to enforce its rights until shortly before filing the suit in 2009. Although the delay was "not fair to Marvell," the company failed to show that the university let the company make investments while plotting to sue later, she said.

In rejecting a new trial last fall, Fischer said the large amount of the verdict was "part of Marvell's own making" because the Santa Clara, California-based company failed to keep records, kept using the technology even after the lawsuit began, and took the case to trial despite attempts at mediation.

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