

Jury verdict gives Facebook victory in patent case

June 13 2014, by Matthew Barakat

(AP)—Facebook successfully defended itself against a lawsuit that claimed the social media company infringed on patents held by a Dutch programmer who launched a website called "Surfbook" more than a decade ago.

A holding company called Rembrandt Social Media had alleged that a now-deceased Dutch computer programmer, Joannes Van Der Meer, developed and patented methods for running a Web-based personal diary before Facebook came into existence in 2003. But Van Der Meer's website, Surfbook, never got off the ground.

Facebook said the patents should never have been issued to Van Der Meer, in part because they described methods that would be obvious to people in the trade.

Patent-infringement cases rarely make it to a jury trial, and Facebook had fought for a year to keep the case from getting to a jury. Experts say that jury rulings in such cases can be unpredictable.

A jury returned a verdict Friday in favor of Facebook after a weeklong civil trial in U.S. District Court in Alexandria, Virginia.

Rembrandt lawyers and officials did not immediately return phone calls and emails seeking comment on whether they planned to appeal. The company complained about rulings before and during the trial that hurt its case.

U.S. District Judge T.S. Ellis III barred Rembrandt's expert on potential damages from testifying. Rembrandt tried unsuccessfully before the trial began to appeal that ruling to the 4th U.S. Circuit court of Appeals in Richmond. And during the trial, Rembrandt complained that questions Ellis asked of witnesses unfairly hurt Rembrandt's case in front of the jury, and asked for a new trial. Ellis rejected the motion.

Rembrandt had claimed that features on Facebook, including the "like" and "share" buttons, as well as adjustable privacy settings, were all anticipated under Van Der Meer's patents. More technically, the lawsuit alleged that technology called Bigpipe, used by Facebook to speed up the loading of web pages, directly infringed on Van Der Meer's patents.

Menlo Park, California-based Facebook is frequently a target of patent-infringement lawsuits. Jason Rantanen, a law professor at the University of Iowa who specializes in patent law, said he could find only one other case where Facebook was the primary defendant in a patent-infringement trial that made it all the way to a jury. Facebook won that case as well.

In 2008, Facebook agreed to pay a \$65 million settlement to twins Cameron and Tyler Winklevoss, Harvard classmates of Facebook CEO Mark Zuckerberg. They claimed that Zuckerberg stole their idea.

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