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Federal Court

Recent patent infringement cases filed in U.S. District Courts

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Marshall Division, Eastern District of Texas

July 22

- Aerielle Technologies Inc. et al vs. Procure International Inc.

Plaintiffs Aerielle Technologies Inc. and Aerielle Inc. design consumer electronics products, including wireless accessories for portable mobile audio devices such as the i-Pod, MP3/4 players and related products.

The suit alleges that defendant Procure International has infringed and continues to infringe at least two Aerielle patents.

The plaintiffs claim to own the rights to U.S. Patent No. 6,671,494 issued Dec. 30, 2003, and U.S. Patent No. 5,771,441 issued June 23, 1998, for a Small, Battery Operated RF Transmitter for Portable Audio Devices for Use with Headphones with RF Receiver.

According to the suit, Procure has infringed and continues to infringe the '494 and '441 Patents. The plaintiff also alleges that Procure has knowledge of the patents, making the infringement willful, deliberate and intentional.

Aerielle is seeking a permanent injunction against Procure, compensatory damages, treble damages for willful infringement, interest, attorneys' fees, costs and other relief.

Michael C. Smith of Siebman, Reynolds, Burg, Phillips & Smith LLP in Marshall is representing the plaintiff, along with attorneys from Taylor, Dunham & Burgess LLP in Austin.

The case has been assigned to U.S. District Judge T. John Ward and referred to Magistrate Judge Charles Everingham.

Case No. 2:08-cv-284-TJW-CE