

Miller Canfield Team Celebrates Win in Motio Patent Case

February 17, 2016

Innovation in software has literally changed nearly everything about the way most of us live, play and work, and it has done so in a relatively short amount of time. During that time, it has become increasingly important for software innovators to protect their work and investment through patents.

However, after the U.S. Supreme Court's 2015 decision in *Alice Corp. v. CLS Bank Intl.*, it also has been much harder to do.

Recently a Miller Canfield team successfully did just that, representing client Motio Inc. in a patent infringement trial in the Eastern District of Texas.

A jury of eight women deliberated just four hours before awarding Miller Canfield client Motio, Inc. a verdict of more than \$1 million in lost profits and more than \$129,000 in reasonable royalties after a patent infringement trial in the United States District Court for the Eastern District of Texas. The verdict was entered against Avnet Inc., the largest publicly held company in Arizona.

The eight-day trial centered on Motio's claim that Avnet had infringed its software patent relating to version control functionality in "big data" business intelligence systems such as Cognos. The judge and jury rejected Avnet's claim that our client's software patent claims were anticipated by prior art and were merely abstract ideas implemented using a computer.

Such abstract ideas, the United States Supreme Court held in the heralded Alice case, are not ordinarily entitled to patent protection. In all, our team defeated five summary judgment motions before Motio's claims were allowed to be presented to a jury. Motio is now pursuing a permanent injunction barring its principal competitor, BSP Software LLC (an Avnet subsidiary), from continuing to sell its version of control software.

This verdict, and the injunctive claims asserted by Motio, have attracted widespread attention in the intellectual property press. An article explaining the decision, and quoting lead counsel Jeffrey Drake, appeared in the Jan. 29, 2016 edition of Law 360.

The Miller Canfield trial team was led by Jeffrey Drake. Jeffrey was assisted by Lee Grossman, Barry Kaltenbach, and Khalid Hanifi.