

U.S. Philips Corporation Prevails in Decade-Long Patent Battle

2010-09-03

On August 30, WilmerHale client U.S. Philips Corporation won a substantial victory in a nearly decade-long battle to enforce its recordable/rewritable CD (CD-R/RW) patent rights. The victory came with the en banc U.S. Court of Appeals for the Federal Circuit, in *Princo v. ITC*, rejecting arguments that Philips' licensing practices constituted patent misuse.

In a decision that will have broad-ranging implications for the patent misuse doctrine generally, the court (1) affirmed that patent misuse is a narrow doctrine applicable only to specific anticompetitive patentee conduct; and (2) recognized that an agreement between partners to a joint venture not to compete with the venture can have legitimate and pro-competitive purposes, and therefore can be condemned only upon proof of anticompetitive effects under the rule of reason.

Ed DuMont argued for Philips, with Bill Kolasky, [Perry Lange](#) and Sue-Yun Ahn on the briefs, as were former partners Doug Melamed and [Jonathan Cedarbaum](#).

See below to read more about previous milestones in this case:

[2008 Philips Prevails in Antitrust Litigation Over DVD-Player Patent Licenses](#)

[2007 ITC Decides in Favor of WilmerHale Client Philips Regarding Joint Licensing of CD-R/RW Technology Patents](#)

[2005 Major Patent Misuse/Antitrust Victory for Philips Electronics In Federal Circuit](#)