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Mitsubishi, Apple, Halliburton: Intellectual Property

By Victoria Slind-Flor - Feb 14, 2013 7:00 AM ET

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Q QUEUE

[Mitsubishi Heavy Industries Ltd.](#) failed to persuade a U.S. judge that [General Electric Co.](#) infringed its patent on wind turbine technology.

The U.S. District Court in Orlando, Florida ruled on Feb. 8 that Mitsubishi Heavy doesn't get anything on its claim of infringement and General Electric won its counterclaim for judgment of non-infringement, according to a posting from court clerk Sheryl Loesch. The ruling upheld a July 5 decision in favor of General Electric that eliminated a need for a trial.

The court, in its interpretation of the claims in Mitsubishi's patent 7,452,185, "has too narrowly interpreted the patent's scope," Mitsubishi Heavy said in a statement Feb. 12. The company has the option to appeal the ruling to the U.S. Court of Appeals for the Federal Circuit, the Washington-based court that hears appeals of patent cases.

Mitsubishi Heavy, based in Tokyo, sued Fairfield, Connecticut-based General Electric in 2010 claiming infringement of a patent which applies to technology to reduce the burden on a wind turbine by controlling the pitch angle of the blades in accordance with the blade rotation angle and other factors.

"Mitsubishi Heavy will quickly issue notification if there's any progress that merits disclosure," Hideo Ikuno, a spokesman for the company, said in a phone interview yesterday.

The case is Mitsubishi Heavy Industries Ltd. v. General Electric Co., 6:10-cv-00812-JA-GJK, U.S. District Court for the Middle District of Florida (Orlando).

Enservio Gets Patent on Debit Card Insurance Reimbursement

[Enservio Inc.](#), a company that develops software products for insurance companies, received a U.S. patent on a method of insurance claims reimbursement that involved the use of debit cards.

Patent 8,346,665 covers what the company calls "dual activation financial products." It explained in the patent that often the reimbursement method of giving a check to the insured can be expensive and subject to loss and fraud.

The debit cards can be loaded with a specific amount, and their use can be limited to "participating retail establishments." Enservio says this method permits the insurance company to restrict the goods and services for which the money can be used.

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The technology enables the use of multiple cards tied to the compensation, permitting their use by more than one person.

Needham Heights, Massachusetts-based Enservio applied for the patent in April 2010, with the assistance of Boston's [Bingham McCutchen LLP](#).

For more patent news, click [here](#).

Trademark

Apple, Gradiante Electronica Must Share Brazilian iPhone Mark

[Apple Inc.](#), doesn't have the sole right to use the iPhone trademark in Brazil, that country's IP regulators ruled, the BBC [reported](#).

[Gradiante Electronica](#), a Brazilian company, registered the mark in 2000, according to the BBC.

Apple had contended it was entitled to sole use of the mark because Gradiante Electronica took 12 years from its registration of the mark to produce a product and didn't use the mark between January 2008 and this month, according to the BBC.

Brazil's Institute of Intellectual Property said that while Apple doesn't have the exclusive right to use the mark with telephones, it can use it exclusively for other products, such as clothing or software, the BBC [reported](#).

Thailand Rice Variety Given EU Geographic Origin Protection

In what may be the first regulation of its kind, the European Union has entered a name written in the Thai language and alphabet for a product that originates in Thailand into the register of protected designations of origin and protected geographic indications.

The product is a kind of gelatinous rice known as [Khao Hom Mali Thung Kula Rong-Hai](#). It took the applicant five years to persuade the European Commission to grant the protection. According to the registry entry, the rice is grown in five provinces in northeast Thailand. When cooked it is "velvety, spongy and slightly sweet."

The regulation specifies that it must be packaged within the five-province area, which has slightly saline soil. It can be cultivated only once a year.

The [regulation was published](#) in the Official Journal of The European Union on Feb. 11.

For more trademark news, click [here](#).

Copyright

Government Argues Against Review of \$220,000 Downloading Damages

The Obama administration has filed a brief to the U.S. Supreme Court in a copyright case involving unauthorized music downloading.

The case, which began in federal court in Minnesota in 2006, is against a woman who is accused of downloading 1,702 songs without authorization from the file-sharing website Kazaa and making them available for free to other computer users.

Three juries reached verdicts in favor of the record companies. The judge granted a second

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trial after the first because of an improper jury instruction. A third trial was set after the record companies refused to accept the judge's reduction of the jury's \$1.92 million award in the second trial.

In September a federal appeals court said Jammie Thomas-Rasset owed the record companies \$222,000 in damages, overturning a lower-court ruling that had reduced the amount.

She had been sued by labels owned by the world's four largest recording companies, Sony Corp.'s Sony Music Entertainment, Access Industries Holdings Inc.'s Warner Music Group Corp., Vivendi SA's Universal Music Group and Citigroup Inc.'s EMI Group.

After the appeals court ruling, Thomas-Rasset asked the Supreme Court for review.

In its Feb. 11 filing, the government argued that the appeals court correctly increased the damages, and that a \$220,000 award is "consistent with due process" and that further review of the case isn't warranted.

The high court case is Jammie-Thomas Rasset v. Capitol Records Inc. 12-715, U.S. Supreme Court (Washington). The appeals case is Capitol Records v. Thomas-Rasset, 11-2820, U.S. Court of Appeals for the Eighth Circuit (St. Louis). The lower-court case is Capitol v. Thomas-Rasset, 06-01497, U.S. District Court, District of Minnesota.

Africa IP Forum, Postponed Over NGO Objections, Set for Feb. 26

South Africa's Department of Trade and Industry has rescheduled a conference on IP issues that was postponed last year because of strong objections from a variety of non-governmental organizations.

The conference, organized by the U.S. Commerce Department together with the World Intellectual Property Organization, was originally set for April 2012 in Cape Town, South Africa. It was put on hold after many objections were raised that it put too much emphasis on enforcement.

Among the organizations that raised objections were [Electronic Information for Libraries](#); Consumers International; the Center for Health, Human Rights and Development, Uganda; and Knowledge Ecology International.

Global Health Watch, a coalition of public health experts, NGOs, community groups, health workers and academics, said in a [statement](#) that last year's proposed conference failed to address conflict of interest, lacked a development and public interest intention, and lacked transparency and information.

The conference is now set for Feb. 26 and 27 in Midrand, South Africa, which is between Pretoria and Johannesburg. According to a [statement](#) from the Department of Trade and Industry, the conference will now "emphasize the successes, challenges and strategies in the establishment of IP regimes that encourage innovation and entrepreneurship, and improve trade and investment, while protecting public health and safety."

Photographer's Trade Group Submits 'Orphan Works' Proposal

[American Photographic Artists](#), a trade group of professional photographers, [has responded](#) to a request from the U.S. Copyright Office to submit a proposal for legislation dealing with so-called "orphan works."

This term refers to works that have been abandoned, forgotten, or are otherwise unprotected

by their creators.

APA argued in its [proposal](#) that many apparently orphan works have actually been hijacked or kidnapped, with information about their authorship stripped away. The association asked that Congress include in any proposed legislation dealing with orphan works the ability of the copyright holder to recover damages and attorney fees for “unwittingly orphaned creative work.”

The organization noted that technological advances in recent years have enabled those in the photography community to develop a registry that can minimize the instance of works being treated as orphans. This registry, called the Picture Licensing Universal System, allows for multilingual machine-readable and human-readable rights information to accompany images

For more copyright news, [click here](#).

Trade Secrets/Industrial Espionage

'I Drank Halliburton Fracking Fluid,' Colorado Governor Says

In efforts to support drilling companies' desires to keep from disclosing the ingredients in the fluids they use for the hydraulic fracturing process, Colorado Governor John Hickenlooper told a U.S. Senate committee that the fluid is so safe that he has even drunk it, the Washington Times reported.

In testimony before the Senate Committee on Energy and Natural Resources he said that if companies such as Houston-based [Halliburton Co.](#) -- which produced the fluid he drank -- were required to disclose all the ingredients that they consider trade secrets, “they wouldn't bring it into our state,” the Washington Times reported.

The fluid was comprised entirely of ingredients from the food industry, he told the committee, and is “a benign fluid in every sense,” according to the newspaper.

Fracturing fluid is forced into the ground to break apart rock structures and release oil or gas, the newspaper reported.

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