

BlackBerry Wars: Some European Success for RIM

In a decision that will bring relief to the estimated 375 000 British users of the BlackBerry portable email device, Mr Justice Pumfrey, sitting in the Patents Court in London, has recently ruled in favour of BlackBerry's manufacturers, the Canadian company Research In Motion ("RIM").

The action against RIM was instigated by InPro, a Luxembourg-based patent holding company, on the ground that the BlackBerry, nicknamed the "Crackberry" in view of its supposedly addictive qualities, infringed one of its patents. RIM counter-claimed for invalidation of the patent on the ground that the invention protected by the patent was too close to the prior art, with Pumfrey J deciding in their favour.

A full judgement has not yet been made public, however, apparently to protect confidential information contained in the evidence submitted by RIM. This decision is welcome news for RIM, and comes at about the same time as a judgement issued by the German Federal Patents Court, which ruled that InPro's related German patent rights were also invalid.

However, neither decision will directly affect RIM's chances of success in their ongoing battle with an American patent holding company, NTP. In the US, the BlackBerry is alleged to infringe several of NTP's patents, and whilst NTP have successfully sued for infringement, which resulted in a settlement between the parties, that agreement itself is now being disputed. US fans of the BlackBerry, reported to include US Vice-President Dick Cheney, will now have to wait a little longer to see if their cherished devices will continue to operate for the rest of the year.