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CSIRO Settles With D-Link In Wi-Fi Patent Battle

By **Nick Malinowski**

Law360, New York (October 19, 2009) -- Global networking provider D-Link Systems Inc., the sole remaining defendant in a suit brought by Australia's Commonwealth Scientific and Industrial Research Organization over a wireless local area network patent, has joined 3Com Corp., Nintendo of America Inc. and others on the sidelines.

The parties filed a joint motion to dismiss all relevant claims and counterclaims in the U.S. District Court for the Eastern District of Texas on Friday, with each side agreeing to pay its own attorneys' fees and costs.

Judge Leonard Davis must still approve the proposed settlement, however.

Specifics of the agreement were not disclosed, and representatives for the parties did not immediately respond to requests for comment Monday.

D-Link had agreed in principal to a settlement on April 13, the first day of trial in the case.

CSIRO, one of the largest scientific research institutions in the world, has long been embroiled in litigation over its patent relating to the 802.11 networking standard, commonly known as Wi-Fi.

The organization sued Taiwan's D-Link, Nintendo, 3Com and others in December 2006, alleging they had infringed a patent on technology for wireless networks, including Wi-Fi, a standard feature of notebook computers and other devices.

D-Link denied that any of its products infringed the patent, and further alleged that the patent itself was not "duly and legally issued," in its March 2007 answer to the complaint.

Furthermore, the company said, CSIRO did not appropriately mark its allegedly patented technologies and had knowingly withheld information related to prior art during the patent-in-suit's prosecution before the U.S. Patent and Trademark Office in the early 1990s.

In late September, CSIRO settled with Nintendo, Accton Technology Corp. and SMC Networks Inc., while 3Com, Belkin Corp., Toshiba America Information Systems Inc., Fujitsu Computer Systems Corp. and Asus Computer International Inc. all settled with the agency earlier in 2009.

CSIRO launched a new round of litigation over its wireless patent Sept. 9, targeting Acer Inc., Sony Corp. and Lenovo Group Ltd. in three separate suits filed in the Eastern District of Texas.

The patent-in-suit is U.S. Patent Number 5,487,069.

CSIRO is represented by Townsend & Townsend & Crew LLP and Capshaw DeRieux LLP.

D-Link is represented by Vasquez Benisek & Lindgren LLP and the Law Offices of S. J. Christine Yang.

The case is Commonwealth Scientific and Industrial Research Organization v. Toshiba America Information Systems Inc. et al., case number 06-cv-00550, in the U.S. District Court for the Eastern District of Texas.

--Additional reporting by Allison Grande

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