

ADOBE WINS INTELLECTUAL PROPERTY TRIAL AGAINST MACROMEDIA

Wilmington, Delaware May 2, 2002

Jury Validates Adobe Patent, Finds Macromedia Infringement Willful

A Federal jury today returned a verdict in favor of Adobe Systems, Incorporated in a patent infringement lawsuit against arch rival Macromedia. The jury found that Macromedia had willfully infringed U.S. Patent No. 5,546,528, and awarded Adobe its asked for amount in damages, \$2.8 million dollars.

The patent at issue covers Adobe's reconfigurable tabbed palettes, which provide users of Adobe programs with a method of displaying and working with multiple sets of tools and commands in the same area of the computer screen. The invention allows users to customize how the functions of Adobe programs such as Photoshop and Illustrator are organized on the computer's desktop.

Inventor Kevin Johnston, a former Adobe and Macromedia employee, testified for Adobe about the problem he was assigned and the solution he invented while at Adobe. With computers getting increasingly faster and programs like Adobe's Photoshop offering more tools for graphic artists, the problem of accessing and using those tools became a significant problem for the user. Before Mr. Johnston's invention, the screen was cluttered with several palettes, making it difficult for the user to efficiently use the workspace on the computer screen for design purposes. As programs became more sophisticated, getting to and using a program's tools became more and more of a problem and threatened to stifle continued improvement of the programs.

Adobe claimed that its invention was a significant leap forward for customers' productivity, creativity and personalization of the user interface and was being copied by Macromedia in many of its products, including Flash 5, Dreamweaver, FreeHand and Fireworks.

Macromedia did not deny that it uses Adobe's '528 patent, instead claiming that the patent was invalid because it was covered by prior art.

The jury, composed of six women and one man, rejected Macromedia's defense and returned a verdict in less than three hours. During a post trial group interview with the panel, the jurors said that most of their discussion focused on whether or not they could award Adobe more than the asked for amount.

Adobe expects the court to treble the jury's damage award for willful infringement, and order Macromedia to stop using Adobe's technology.

Litigation Strategies, Ltd. assisted trial counsel John Allcock, Ian Feinberg and Elizabeth Day of Gray, Cary, Ware & Freidenrich with pre-trial jury research, strategy development, witness preparation and jury selection.



- Strategic Research
- Witness Preparation
- Demonstrative Exhibits



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