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Activision Exits Software Activation Patent Suit

By **Ben James**

Law360, New York (February 18, 2011) -- BetaNet LLC has agreed to let video game company Activision Blizzard Inc. out of a patent infringement suit that targeted 19 companies over two patents related to remote software activation.

BetaNet and Activision filed a stipulation of dismissal in the U.S. District Court for the Eastern District of Texas on Thursday.

The plaintiff filed the suit June 16 against Activision and 18 other defendants, including Xerox Corp., Nvidia Corp. and Motorola Inc.

Nvidia was dropped from the case following a stipulation of dismissal in December, and Motorola exited the case in October after reaching a settlement deal with BetaNet. Claims are still pending against Xerox.

The suit asserts U.S. Patent Numbers 5,103,476 and 5,222,134, both titled "Secure system for activating personal computer software at remote locations."

According to the complaint, Activision infringed the patents by using and selling computer software via a process that provides a program file, including a loader segment and registration shell portion, to a remote computer. The plaintiff specifically cited Activision's "World of Warcraft" video games as examples of infringing products.

The complaint, which also references Xerox's Freeflow and Docushare programs, seeks unspecified damages and an injunction against the defendants.

Representatives for Activision did not immediately respond to calls seeking comment Friday, and an attorney for BetaNet was not immediately available.

BetaNet asserted the same two patents in a separate suit filed in the Eastern District of Texas in December 2009. That suit targeted 18 defendants, including Adobe Systems Inc., Apple Inc., Autodesk Inc., Eastman Kodak Co., IBM Corp., Microsoft Corp., Oracle Corp. and McAfee Corp.

The case came to a close in September after BetaNet resolved its claims against Kodak, the last remaining defendant.

The patents-in-suit in the current matter are U.S. Patent Numbers 5,222,134 and 5,103,476.

BetaNet is represented by Spangler Law PC and Stevens Love.

Activision is represented by Dickstein Shapiro LLP.

The case is BetaNet LLC v. Xerox Corp. et al., case number 10-cv-00201, in the U.S. District Court for the Eastern District of Texas.

--Additional reporting by Jocelyn Allison. Editing by Chris Giganti.

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