



BANNER & WITCOFF, LTD.
INTELLECTUAL PROPERTY LAW

TEN SOUTH WACKER DRIVE, SUITE 3000
CHICAGO, IL 60606-7407
TEL: 312.715.1000
FAX: 312.715.1234

1001 G STREET, NW
WASHINGTON, D.C. 20001-4597
TEL: 202.508.9100
FAX: 202.508.9299

28 STATE STREET – 28TH FLOOR
BOSTON, MA 02109
TEL: 617.227.7111
FAX: 617.227.4399

601 SW SECOND AVENUE, SUITE 1900
PORTLAND, OR 97204
TEL: 503.279.6300
FAX: 503.279.6328

\$3.8 Million Plus Interest Jury Award for Banner & Witcoff client, Harold L. Bowers

Washington, D.C. August 20, 2002 - Banner & Witcoff, Ltd. today announced that the U.S. Court of Appeals for the Federal Circuit upheld a jury award of \$3.8 million plus interest for its client, Harold L. Bowers. Bowers had sued Baystate Technologies, Inc. in the U.S. District Court for the District of Massachusetts for patent infringement, copyright infringement, and breach of a software "shrinkwrap license." A jury found Baystate liable on all counts and awarded millions of dollars in damages.

The Court of Appeals affirmed the jury's verdict that Baystate breached the shrinkwrap license, concluding that "The record amply supports the jury's finding of a breach of that agreement." This decision is believed to be the first time that a federal appeals court has upheld the breach of a shrinkwrap license stemming from a defendant's "reverse engineering" of a computer program.

The Court of Appeals rejected Baystate's argument that the Copyright Act preempted the breach of contract claim.

Banner & Witcoff attorneys Frederic Meeker, Steve Chang, Bradley Wright, and Charles Shifley represented Bowers on the appeal.

For further information, contact Frederic Meeker at (202) 508-9116.

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Banner & Witcoff, Ltd. is dedicated to excellence in the specialized practice of intellectual property law, including patent, trademark, copyright, trade secret, computer, franchise and unfair competition law. The firm actively engages in the procurement, enforcement and litigation of intellectual property rights throughout the world, including all federal and state agencies, and the distribution of such rights through licensing and franchising. The firm has 80+ attorneys and agents in its Chicago, Washington, D.C., Boston and Portland, OR offices.

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