

Inventor at centre of RIM patent fight

Already awarded \$23.1-million, Thomas Campana could get much more in long dispute over what he calls his technology

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Thomas J. Campana Jr., a semi-retired Illinois inventor at the centre of a patent dispute with **Research In Motion Ltd.**, will be a rich man if court decisions keep going his way. That is a big if, however.

A Virginia jury recently ordered RIM to pay Mr. Campana's holding company, NTP Inc., \$23.1-million (U.S.), and that figure could reach \$69.3-million if a judge confirms the verdict that RIM willfully infringed the patents and decides to triple the award.

Neither sum would break RIM, which gave the world the BlackBerry wireless e-mail device and made co-founder Mike Lazaridis so rich he could announce a \$100-million (Canadian) donation two years ago for a theoretical physics lab not far from his headquarters in Waterloo, Ont. Nor is RIM unaccustomed to patent suits, although the company usually has been a plaintiff trying to protect its technology, not a defendant accused of pirating it.

Mr. Campana, now 55, declined requests for an interview. The story of his claim has been assembled from court documents, testimony during the 13-day trial and interviews with former colleagues.

U.S. jury awards are often overturned by higher courts, and RIM has said it will appeal, but the patents in question -- if their validity is ultimately confirmed -- go to the heart of what the BlackBerry offers: wireless e-mail through a device that fits in a palm.

U.S. District Court Judge James Spencer has set aside Feb. 13 to review last month's verdict and hear post-trial motions, including one asking him to block BlackBerry sales in the United States. Few analysts expect that to happen because banning device sales would cut off potential royalties for NTP.

Two years ago, Mr. Campana's lawyers launched a letter-writing campaign, asking wireless companies to sign licensing agreements for use of what they said was his technology. There's a dispute about whether RIM responded. A year ago, NTP launched its patent infringement suit against the company.

The story dates back to the 1980s, when Mr. Campana was employed at Telefind Corp. of Coral Gables, Fla., a wireless technology upstart that failed as a business. He and two other people affiliated with Telefind later formed NTP to sell technology licences that grew out of their work.

A University of Illinois graduate in electrical engineering, Mr. Campana had been inventing and seeking patents for years.

His first patent for a piece of electronic equipment arose from his job in the 1960s at Argonne National Laboratory, a research powerhouse run by the University of Chicago for the U.S. government.

Floyd Munson, who still works at Argonne, recalled in an interview a very young and confident Mr. Campana back in 1966 when they worked as physics technicians, operating the lab's particle accelerator, a device used to study subatomic particles.

It was there that Mr. Campana, already ahead of his time, dreamed up a scheme to automatically tune the accelerator's beam. But for whatever reason -- lack of resources or because it was beyond the lab's scope at that time -- his idea wasn't accepted by his supervisor, Mr. Munson said. "Back then, there wasn't a way to do it, but today you can."

In 1971, after a stint in the U.S. Air Force, Mr. Campana started a Chicago engineering firm called Electronic Services Associates (ESA). In the mid-1980s, ESA was approached by entrepreneurs Andrew Andros, brother Theodore Andros and Roger Anderson, who decided to get into paging and were looking for an expert to design and develop their equipment.

When their paging company, Telefind, was formed in 1986, Mr. Campana was given a 5-per-cent stake and made vice-president of engineering. ESA, which remained a separate company, became Telefind's engineering arm.

Mr. Campana told the jury his work for Telefind included co-developing technologies in network and wireless devices that led to about two dozen patents. Among his inventions were Telefind's pager and a system that gave subscribers the convenience of changing the radio frequency of their pagers without visiting a service shop if they moved to another city.

In August, 1990, Telefind, whose paging network operated in 150 cities and was capable of sending a rudimentary form of e-mail to beepers, caught the attention of American Telephone & Telegraph Corp., now AT&T Corp. At that time, Telefind was also working on an interface that would allow messages to be uploaded from a pager to a laptop computer so the e-mails could be viewed more easily.

AT&T, which Mr. Campana testified was considering buying Telefind and ESA, wanted the new Safari laptop it got from acquiring computer-maker NCR to debut at the fall 1990 Comdex trade show and it wanted to include the wireless e-mail feature.

However, RIM lawyers presented another version of events during the trial. Murali Narayanan, a department head at AT&T, testified that his company came up with the wireless e-mail concept to provide a compelling feature for its new laptop.

In any case, Telefind hustled to get a demo ready for the November trade show. Months afterward, it concentrated its efforts on finding a way to connect its paging network with AT&T's mail system to accommodate traffic from potential subscribers, and on coming up with a billing system for the information. The devices used different operating systems, so Telefind also had to wrestle with the incompatibility issue.

Mr. Campana testified that Telefind broke off talks with a French firm that wanted to buy it and was doing all this work with the goal of being acquired by AT&T. In the end, AT&T chose SkyTel Corp. as its service provider.

"We were in the game early," Theodore Andros said in an interview.

Retired now and living in Key Biscayne, Fla., he was a Telefind vice-president and part-owner. Although the company did not succeed in manufacturing and distributing the products, he said, "the basic concepts and the whole thing were very valid and set the tone for much of what's happened in the industry since."

Telefind ran out of money and went out of business in late 1991, Mr. Andros said. Fellow entrepreneurs Andrew Andros and Roger Anderson have since died.

In 1992, Mr. Campana sued Telefind for breach of contract and was awarded \$481,143 (U.S.) by a Delaware judge. He later asked for a change in judgment, waiving the award if Telefind rescinded his employment and two engineering and supply contracts because, Mr. Campana's lawyer, Jim Wallace, said, the company had no money. The court and Telefind later agreed.

Telefind also owed money to Computer Leasco Inc., which was awarded its assets, namely equipment and some pending patents, as part of a bankruptcy proceeding. Mr. Campana's lawyers intervened in the case between Telefind and Computer Leasco for the patents, which were later returned to him.

In 1992, Mr. Campana formed NTP, which now holds about 25 patents, with Telefind's former patent lawyer, Donald Stout, who is NTP's president, and William White, a consultant to a Telefind investor.

During the trial, RIM's defence was that the NTP patents in question were invalid and should not have been issued to Mr. Campana because other co-inventors, including Mr. Narayanan, were omitted from the patent applications.

The company also argued that the heritage of the RIM BlackBerry can be traced to a two-way Motorola pager for which patents were obtained by different inventors along the way. The company also pointed out that no one has licensed the five NTP patents in the lawsuit because they don't apply to the current state of wireless technology.

It appears RIM is in no mood to settle the dispute. It has repeatedly denied it is violating Mr. Campana's patents and has said it will appeal an unfavourable decision. One thing is certain. The patent fight is far from over.