

Kodak Wins Partial Victory Against Apple in Patent Fight

By David McLaughlin - Aug 1, 2012

[Eastman Kodak Co. \(EKDKQ\)](#) won a partial victory against Apple Inc. over patents, defeating Apple's ownership claims to two of 10 patents that Kodak plans to sell as part of its bankruptcy restructuring.

U.S. Bankruptcy Judge Allan Gropper in [Manhattan](#) ruled in favor of Kodak on the patents, saying the iPhone maker waited too long to assert its claims, according to a decision filed today.

Kodak sued Apple in June over the assets, accusing Apple of trying to disrupt the patent auction planned for next week. Kodak asked Gropper to rule in its favor in a pretrial decision known as summary judgment.

Kodak, based in Rochester, New York, filed for bankruptcy in January and is selling more than 1,000 patents related to the capture, manipulation and sharing of digital images. An auction is scheduled for Aug. 8.

Gropper said Kodak's ability to sell the assets would be "cut off" if "unreasonably late claims" by Apple aren't barred. The judge rejected inventorship and state law ownership claims by Apple to the two patents.

"If Apple's claims proceed despite their unreasonably delayed commencement, Kodak might have to go back to the drawing board for ways to fund its case," the judge wrote.

On the eight other patents, Gropper denied Kodak's motion for summary judgment. The judge said Kodak could renew the request based on "a more complete record."

Counterclaims Filed

Apple spokeswoman [Kristin Huguet](#) declined to comment about the decision. Apple has filed counterclaims against Kodak, saying Kodak is claiming Apple's technology as its own.

The Cupertino, California-based company sought to transfer the Kodak lawsuit out of [bankruptcy court](#) to U.S. district court in Manhattan. U.S. District Judge George Daniels denied the request at a hearing last week, saying Gropper should first rule on summary judgment.

Kodak spokeswoman Stefanie Goodsell said the company was pleased with the part of ruling in its favor. Gropper also ruled against Flashpoint Technology Inc. with respect to the two patents and three additional ones, according to the decision.

“With respect to several other patents to which Apple and Flashpoint only recently asserted ownership claims, Kodak believes that the facts will show that they are baseless, and nothing but an attempt to interfere with the sale of our patent portfolio,” Goodsell said in e-mailed statement.

The Apple lawsuit is Eastman Kodak Co. v. [Apple Inc. \(AAPL\)](#), 12-01720, [U.S. Bankruptcy Court](#), Southern District of New York (Manhattan).

To contact the reporter on this story: [David McLaughlin](#) in New York at dmclaughlin@bloomberg.net

To contact the editor responsible for this story: [John Pickering](#) at jpickering@bloomberg.net