

CSIRO wins landmark legal battle

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The CSIRO has won a landmark US legal battle against Buffalo Technology, under which it could receive royalties from every producer of wireless local area network (WLAN) products worldwide.

The CSIRO brought the case against Buffalo before the US Federal Court of the Eastern District of Texas in February last year, claiming the manufacturer had failed to pay royalties on US patent 5487069.

The patent, granted to CSIRO in 1996, encompasses elements of the 802.11a/g wireless technology that is now an industry standard.

It stems from a system developed by CSIRO in the early '90s, "to exchange large amounts of information wirelessly at high speed, within environments such as offices and homes", said a CSIRO spokeswoman.

Today the research group announced it had won the Buffalo case, with Judge Davis granting summary judgement in favour of CSIRO, reaffirming the patent's validity and supporting CSIRO's claims that Buffalo had infringed its patent.

A royalty rate is yet to be determined, but CSIRO chief executive, Geoff Garrett, said he hoped this would be decided by the court shortly.

"This is an important win because the judge has supported CSIRO's position comprehensively ... However, it is only a brick in the wall. CSIRO still has a long way to go," he said.

CSIRO is facing two other legal battles with some of the technology world's biggest players, who seek to have the patent invalidated, removing the need for them to pay CSIRO royalties.

CSIRO will take on Intel and Dell in one case and Microsoft, Hewlett-Packard and Netgear in the other. Both cases arose in May last year.

In its defence, CSIRO claimed that its position as a foreign government body meant it was immune from lawsuits.

The US Court of Appeals dismissed this argument and CSIRO followed up by filing counter-claims for patent infringement.

Its win against Buffalo could set an important precedent for the other cases, which could lead to CSIRO reaping massive royalties on every WLAN product produced.

A report by another Australian newspaper on its website said the battle was worth hundreds of millions of dollars, but the CSIRO spokeswoman said this figure was "plucked out of the air".

"They asked me and I said I wasn't prepared to comment," she said.

"We're not talking about sums at all at this stage. We're just concentrating on the case."