

DATATREASURY V. VIEWPOINTE ARCHIVE SERVICES, ELECTRONIC DATA SYSTEMS, ET AL.

McKool Smith represented EDS in this patent infringement case was subsequently consolidated with two other cases. The patents-in-suit relate to systems for remote data acquisition and centralized processing and storage. The Plaintiff asserted its patents generally against the banking industry due to its adoption of Check 21 electronic check presentment, and specifically against EDS due to its offering of software and services to banks that complied with Check 21. McKool Smith developed prior art that not only included its own client's pioneering efforts in check processing, but also included check processing systems by other companies and the Federal Reserve. Mere weeks before trial, the plaintiff unilaterally dismissed its patent infringement claims against EDS with prejudice and issued a covenant-not-to-sue EDS in the future to avoid the challenge to the validity of its patents on the prior art that McKool Smith had developed.