

NATIONAL INSTRUMENTS V. THE MATHWORKS

Austin, Texas-based National Instruments Corp. is the technology pioneer and worldwide leader in virtual instrumentation. Using the company's LabVIEW® software, engineers and scientists are able to turn PCs into virtual instruments for measurement and automation. When National Instruments discovered a competitor using its valuable LabVIEW® patents in 2001, the company brought in McKool Smith to assert its rights in court.

McKool Smith attorneys waged battle in federal court against Massachusetts-based, The MathWorks, Inc. to protect the LabVIEW® patents. Following a 10-day trial, the jury returned a unanimous verdict, declaring the LabVIEW® patents valid and infringed, and awarding National Instruments a royalty. The MathWorks, Inc. fought hard to have the jury verdict overturned, but following a post-trial hearing, McKool Smith obtained a favorable judgment for National Instruments in the the United States District Court for the Eastern District of Texas, known for its patent expertise. The trial judge upheld the jury's verdict and awarded supplemental damages, interests and costs.