

# Judge Won't Upend \$15M Yahoo Patent Loss, Adds Interest

By [Jasmin Jackson](#) · [Listen to article](#)

Law360 (March 2, 2023, 6:08 PM EST) -- A California federal judge has rebuffed [Yahoo's](#) bid to scrap a \$15 million jury verdict against it in software company Droplets' patent suit over technology used to update web pages, deciding instead to pile pre-and post-judgment interest on the now more than \$27 million infringement award.

U.S. District Judge Jon Tigar's [Wednesday order](#) denied Yahoo! Inc.'s [June 2022 motion](#) for a judgment as a matter of law, which sought to undo a California federal jury verdict that found Yahoo's "Search Assist" product infringed patented technology owned by [Droplets Inc.](#) and awarded the patent owner nine-figures. Judge Tigar was not convinced by Yahoo's argument that its product did not perform claimed aspects, such as "selectively re-establishing a communication connection."

According to the order, the argument failed because Yahoo was asking the court to "apply an interpretation narrower than the plain and ordinary meaning" of the patented technology's claim language and the court's construction.

"Viewing the evidence in the light most favorable to Droplets and drawing all reasonable inferences in its favor, the court finds that judgment as a matter of law is not warranted," Judge Tigar said.

Rather than wipe out the \$15 million judgment, Judge Tigar granted Droplet's competing post-trial bid for pre-and post-judgment interest. Courtland L. Reichman of [Reichman Jorgensen Lehman & Feldberg LLP](#), counsel for Droplets, told Law360 Thursday that "the jury's verdict reflects Droplets' breakthrough innovation."

"The total award exceeds \$27 million, which comes after a decade long fight to vindicate Droplets' rights and stop free riding on its technology," Reichman said. "We appreciate the court's hard work."

Droplets initiated its suit against Yahoo back in 2011 — along with tech giants [Amazon.com Inc.](#), [Apple Inc.](#), Meta Platform's [Facebook Inc.](#), [Google LLC](#) and [YouTube LLC](#). The other companies all settled.

In March 2021, an Oakland, California, federal jury found Yahoo owed Droplets \$15 million for infringing its patented technology. The jurors had ultimately concluded that the patent owner had shown it was more likely than not that Yahoo infringed one patent claim with one product, Yahoo Search Assist, but found against Droplets with respect to four other Yahoo products.

Both Yahoo and Droplets filed post-trial motions the following June. Droplets argued in its filing that it was entitled to \$3 million in attorney fees based on the firm's fixed fee billing model and nontaxable costs, plus \$17.6 million in prejudgment and post-judgment interest. Droplets also asked the court for a new trial on the four products that the jury determined did not infringe the asserted technology.

But Judge Tigar's Wednesday order shot down Droplet's bid for attorney fees and its bid for a new trial. According to the order, attorney fees are not warranted since "this case presented close questions throughout, and the jury verdict suggests neither party's position was objectively unreasonable."

"To be granted a new trial on the basis of an erroneous jury instruction, Droplets must show, by a preponderance of the evidence, that the jury instruction was legally erroneous and that the error had prejudicial effect," Judge Tigar added. "Because the court finds that Droplets has not established that it was prejudiced by the erroneous jury instruction, the court denies Droplets' motion for a new trial."

Counsel for Yahoo did not immediately respond to requests for comment on Thursday.

The patents-in-suit are U.S. Patent No. 6,687,745 and 7,502,838.

Droplets is represented by Courtland L. Reichman, Shawna L. Ballard, Kate Falkenstien, Michael G. Flanigan, Khue V. Hoang, Jaime F. Cardenas-Navia, Michael Matulewicz-Crowley, Christine Lehman, Aisha Mahmood Haley and Phil Eklem of Reichman Jorgensen Lehman & Feldberg LLP.

Yahoo is represented by Jennifer Haltom Doan and Joshua R. Thane of [Haltom & Doan](#) and George D. Niespolo, Meghan C. Killian, Kevin P. Anderson, Aleksander Goranin, Woody Jameson, Matt C. Gaudet and Alice Snedeker of [Duane Morris LLP](#) and in-house by Hieu Hong Phan.

The suit is Droplets Inc. v. Yahoo! Inc., case number [4:12-cv-03733](#), in the [U.S. District Court for the Northern District of California](#).

--Additional reporting by Dorothy Atkins. Editing by Vaqas Asghar.