



Aug 01, 2008

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Sound Merchandising, Inc., dba Intellitouch Communications

On August 18, 2008, Thomas P. O'Brien III obtained a published opinion affirmance by the U.S. Court of Appeals for the Sixth Circuit of an appeal from the U.S. District Court for the Southern District of Ohio. FBT's client is Defendant-Appellee, Sound Merchandising, Inc., dba Intellitouch Communications ("SMI"), from San Diego, California. The Plaintiff-Appellant is Info-Hold, Inc. of Cincinnati. Mr. O'Brien and William Morriss, along with former FBT lawyer William E. Gallagher, Jr., submitted the appellate brief, and Mr. O'Brien argued the case at the Sixth Circuit. The underlying case involved claims of patent infringement filed by Info-Hold alleging that SMI had infringing patents related to onhold message devices that are connected to a business telephone system to play pre-stored audio messages through the phone system to callers on hold. The matter settled prior to trial. On appeal, Info-Hold sought a reversal of an order by the trial court denying Info-Hold relief from the settlement agreement.

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