

## EveryScape's Patents Hit Their Vanishing Point

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Last week, a federal jury in **Massachusetts** delivered a verdict in favor of patent-defendant **Adobe Systems**, invalidating all asserted claims of **EveryScape's** two asserted patents. Earlier in the litigation, the court found at summary judgment that a tool in the Vanishing Point filter of Adobe's popular Photoshop software directly infringed EveryScape's patents. So at trial, Adobe focused heavily on its invalidity case. The strategy paid off in a very big way; the jury found each of EveryScape's asserted patent claims anticipated and obvious in view of prior art.

EveryScape, Inc. asserted two of its patents in the action, both of which were directed towards computerized editing of digital images. EveryScape accused the Clone Stamp tool in Adobe Photoshop's Vanishing Point feature of infringing these patents, and accused Adobe of intentionally inducing its users to infringe those claims. In a hotly-contested nine-day jury trial, Adobe successfully asserted several different pieces of prior art, including the Corel Painter software, which it demonstrated to the jury, and previous versions of its own Photoshop product. Jury deliberations lasted less than a day.

The case is ***EveryScape, Inc. v. Adobe Sys. Inc.***, No. 1:10-cv-11697-RGS (D. Mass.), before Judge Richard G. Stearns.

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