



For immediate release, March 6, 2006

BlackBerry Settlement Represents Final Endorsement of NTP Damages Expert, Terry L. Musika of Invotex Group; NTP Relied on Invotex Damages Expert; RIM Finally Agrees and Settles

Baltimore, Maryland – The \$612.5 million agreement between Research in Motion Ltd. (RIM) and NTP Inc. to settle the “BlackBerry” suit was based on the damage opinion set forth in 2002 by NTP’s damages expert witness, Terry L. Musika of Invotex Group. On November 21, 2002, after the jury in the Eastern District of Virginia found that RIM had willfully infringed NTP’s U.S. patents by selling their BlackBerry product, the jury awarded NTP damages based on a reasonable royalty which was drawn from Musika’s expert testimony on the appropriate form and amount of damages. The final judgment awarded NTP a 5.7% royalty on all revenue from U.S. BlackBerry sales. However, until Friday of last week, the only party to this dispute that did not agree with Musika was RIM. RIM’s agreement to pay \$612.5 million to NTP ends this long-running patent dispute and signals a final acceptance of Musika’s opinions by RIM.

That the \$612.5 million settlement represents one of the largest patent settlements in the history of the U.S and that Musika was a central figure in the determination of the appropriate amount of damages is no coincidence. For more than a decade, Musika has been involved in many of the country’s major complex patent disputes. He provided expert opinion in the University of California v. Genentech case (\$200 million settlement), the Mylan v. KUDCO case (\$37.5 million settlement) and the Imagexpo v. Microsoft case (\$60 million settlement), among others.

For nearly 20 years, Invotex Group has provided accounting and financial consulting services to the business and legal communities, financial institutions, insurance companies and governmental entities in matters involving disputes, investigations, reorganizations, insurance and valuations. Invotex also offers advisory services for intellectual property owners, including licensing, technology evaluation and license compliance, asset management and enforcement of IP rights. The firm, headquartered in Baltimore, Maryland, also has offices in Philadelphia, Pennsylvania and Washington, DC.

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