



## ***PRESS INFORMATION***

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### **FOR IMMEDIATE RELEASE**

#### **NEWKIRK SUCCESSFULLY DEFENDS NEWRIVER LAWSUIT JURY REJECTS PATENT INFRINGEMENT/CONTRACT CLAIMS**

ALBANY, NY, April 8, 2009 — A Boston Federal District Court jury yesterday rejected NewRiver’s patent infringement lawsuit against Newkirk. NewRiver had contended that Newkirk’s EDGAR-View® service infringed a NewRiver patent. NewRiver offers a service known as ProspectusExpress® which is somewhat similar to Newkirk’s EDGAR-View service. The jury disagreed. The jury found that most of the claims contained in the NewRiver patent were invalid and that Newkirk had not infringed any remaining valid claims.

The jury also rejected NewRiver’s position that Newkirk had breached an earlier contract between the two companies when Newkirk developed and sold its EDGAR-View service.

“Naturally, we’re very pleased with the outcome,” said James Salada, Newkirk’s general counsel. “We thought all along that there wasn’t much to NewRiver’s case. Still, with a jury trial, anything’s possible. We were fortunate to have a thoughtful jury that carefully considered all of the issues.” Newkirk was represented in the case by Heslin, Rothenberg, Farley & Mesiti, P.C., of Albany, New York.

Newkirk anticipates a NewRiver appeal. “But appealing carries some risk for NewRiver,” noted Salada. “A recent Federal Circuit decision, *In reBilski*, casts considerable uncertainty on business method patents like NewRiver’s. If there’s an appeal, we expect to cross appeal and bring that question before the court. The result could be a finding that the entire NewRiver patent is invalid.”

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Newkirk had previously petitioned the U.S. Patent and Trademark Office for a reexamination of the validity of the NewRiver patent, and the Patent Office subsequently issued an initial office action that declared all of the NewRiver patent claims invalid. That determination is being appealed by NewRiver within the Patent Office.

For more information on Newkirk's defined contribution services and products, including EDGAR-View, contact Newkirk at 800-525-4237 (Monday through Friday 8 a.m. to 5 p.m. Eastern Time) or visit [www.newkirk.com](http://www.newkirk.com).

### **About Newkirk**

Newkirk and its subsidiary companies are leading-edge defined-contribution plan communication providers. For over 30 years, Newkirk has developed creative solutions to communication issues faced by financial institutions and professional firms focusing on 401(k), 457, 403(b), money purchase, and profit sharing plans. For more information, visit [www.newkirk.com](http://www.newkirk.com) or call 800-525-4237.

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