



**FOR IMMEDIATE RELEASE**

**Tanita Corporation of America, a subsidiary of Tanita Corporation, Tokyo, Japan, made a significant victory against Healthport Corporation.**

U.S. District for the Oregon District that granted Tanita's motions for summary judgment that Tanita's accused products do not practice the invention of the accused patents and for its counterclaim of false advertising by Healthport under the Lanham Act (*Healthport Corporation v. Tanita Corporation of America*).

The dispute started in 2006 when Healthport Corporation, the holder of two U.S. patents involving a tetra polar bio-impedance body monitor, sued Tanita for patent infringement in the U.S. District Court. Tanita moved for summary judgment for non-infringement of the patent claims and counterclaimed for false advertising by Healthport. In April, 2007, the District Court granted Tanita's motion for summary judgment for non-infringement.

Tanita also asserted that Healthport's website statements that the company's bio-impedance monitors (ELG) were of "unequaled accuracy" and that its president and chief technical officer, Richard S. Wooten, had received B.S. and M.S. degrees, were false. In 2008, the District Court granted Tanita's summary judgment and entered a permanent injunctive order requiring Healthport to immediately remove the ELG and Wooten misrepresentations from its website as well as prohibiting the company from publishing advertisements and promotional material with similar misrepresentations.

Healthport appealed both summary judgments to the United States Court of Appeals for the Federal Circuit (CAFC). But in May, 2009, the CAFC issued a one- page Judgment under "rule 36" affirming the grant of each summary judgment motion by the District Court. On June 17, 2009, the Federal Circuit issued its Judgment as a mandate.

McDermott Will & Emery LLP secured this significant victory for their client, Tanita Corporation of America.

Tanita Corporation regards intellectual property right as one of its most important managerial resources. We will continue to take firm action against infringement of our patents and accusations by others.