

**Directors of Children's Services /
Chief Education Officers**

From: Colin Hurd
Department for Education and Skills
Technology Group
Room 314 Caxton House

Tel: 020 7273 5211

Date: 9 January 2006

Dear Colleague,

**European Patent (UK) N^o 0 664 061
Frontline Technology Limited**

Summary and action

1. This letter notifies you of the outcome of the patent issue that has been running since 2001.
2. Following two trials and subsequent legal argument, a settlement was negotiated in December 2005. The settlement gives ownership of the patent to the Department.
3. You are requested to post the joint statement at Annex A to this letter on all appropriate websites. Any existing advice on this patent that you may be publicising should be removed please.
4. Please contact me at colin.hurd@dfes.gov.gsi.uk or on 020 7273 5211 if anything in this letter is not immediately clear.

Settlement details

5. The details of the settlement are to be kept confidential under the terms of the settlement.
6. A joint statement has been agreed for free publication (Annex A). No further comment will be made in respect of this settlement. Any media or other interest will be responded to using the content of the joint statement.

Background

7. A European patent held by Frontline Technology Limited covered the exchange of student data over a wireless network using portable computers and transceivers in an educational environment. Thus only wireless systems supplied or licensed by Bromcom Computers plc (patent licensee and sister company to Frontline) could be used in schools and other educational establishments to exchange pupil data whilst the patent remained valid.

8. The Department issued guidance in a letter dated 12 November 2002 from Doug Brown emailed to all Chief Education Officers / Directors of Education. This letter and other information about the litigation were posted on the IMS website, which later became part of the TeacherNet portal.

Yours sincerely

Colin Hurd

Joint statement by the Department for Education and Skills and Frontline Technology Limited

UK Patent Number 0664 061

The UK Department for Education and Skills and Frontline Technology Limited have reached an out of court settlement of the action taken by the Department to seek revocation of the patent.

This follows the judgement given in the High Court proceedings by Deputy Judge David Young QC on 17 June 2004 finding that claims 1 and 2 were invalid but that claim 7 was valid. This left Frontline with the right to narrow the patent by way of amendment in line with this judgement, or the patent would be revoked.

There was further legal argument about the process for making and the scope of such an amendment. Following a further trial these matters were due to be considered in the Court of Appeal in December.

The settlement brings all these matters to an end, as the Department has been assigned the patent under this agreement and now owns the patent. Consequently the Department no longer needs to clarify the residual validity of the patent since the Department will not seek to enforce it. All existing licences will be honoured and royalty free. The Department has achieved its policy aim of providing schools and other educational institutions with free access to wireless systems that might come within scope of the original and amended patents.

The terms of the settlement are confidential.

Frontline Technology Limited retains similar patents in Australia, Canada, Europe and the United States of America. By this settlement and by leaving the amended patent in place, the Department is not directly, or indirectly, offering any opinion as to the validity, or otherwise, of those patents. Issues of validity are a matter for the relevant jurisdictions.

The Department acknowledges Mr Ali Guryel as the named inventor in UK Patent Number 0664 061. The Department further acknowledges that Mr Guryel's two companies – Frontline Technology Limited and Bromcom Computers Plc – have researched, developed and promoted electronic registration since the early 1990s. They played a part early on in raising the profile of electronic systems for better attendance management and in improving the services available to schools.

The Department welcomes innovation and investment in education from commercial suppliers. The Department welcomes Mr Guryel's and his companies' restated commitment to helping achieve the Department's ambitious objectives for children and learners.

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