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**NMRA Patent Challenge Update: Real Rail Effects fails to respond
to NMRA DCC-sound patent challenge**

The United States Patent and Trademark Office (USPTO) has issued a determination on September 30, 2008, in which the Examiner rejected all of the claims in U.S. Pat. No. RE38,660, a patent granted earlier to Real Rail Effects (RRE).

RRE was granted the patent by the USPTO based upon a claim that the technology for using sound with DCC was invented by RRE. The National Model Railroad Association, Inc., with the technical and financial support of a number of DCC manufacturers and hobbyists around the world, filed a challenge to the RRE patent.

The NMRA felt that, should it remain in force, the RRE patent posed a threat to modelers and manufacturers of DCC equipment because it would both increase the costs to modelers and unfairly restrict manufacturers who provide modelers with decoders that include sound. Therefore, the NMRA coordinated an industry and hobby-wide effort to have the patent overturned.

The NMRA submitted evidence from a number of sources to the USPTO, raising substantial questions about the validity of the patent. RRE did not respond during the course of the challenge and now the USPTO has issued a ruling entirely in favor of the position of the NMRA.

Real Rail Effects now has two months in which to file a response to the USPTO's decision. According to USPTO rules for challenges, the NMRA will not be able to respond if RRE chooses to make a response. Nevertheless, the NMRA remains confident that the current decision will remain unchanged even if RRE files a response.

The NMRA believes that the overturning of this patent is a significant victory for the entire model railroading community. The NMRA is proud to have led this effort, and it is deeply indebted to the manufacturers, organizations, and individuals who helped supply evidence and support for the effort.

The NMRA remains committed to preserving fair competition and openness in DCC standards. When DCC technology is equally available to all in the hobby who choose to follow the standards, everyone benefits.

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