



Kelley Drye Represents CIBA Vision

June 1, 2007

Kelley Drye defended CIBA Vision against claims by plaintiff TransCanada, Inc., a manufacturer of contact lenses, that CIBA Vision was in breach of contract and committed fraud in connection with a technology license dating back to 1986. Plaintiff was seeking damages of up to \$75 million. In granting Summary Judgment and dismissing all claims, the Supreme Court found that CIBA Vision was not in breach of the contract because it had no duty to exploit the licensed technology since the agreement was non-exclusive; that CIBA Vision did not owe royalties from 1986 to the present, since it never utilized the technology; and that CIBA Vision did not engage in any fraudulent conduct in the course of its dealings with TransCanada.