

BRIEF  
STATE

INDIANAPOLIS

ATA expanding service,  
emerging from bankruptcy

ATA Airlines will add service to four cities and increase flights to Hawaii, the first sign of the airline's business plan once it emerges from federal bankruptcy protection in the coming weeks.

Monday's announcement comes after months of gate closures and layoffs and signals a return to the airline's roots as a carrier focused on travel to popular vacation destinations.

Starting in April, the Indianapolis-based carrier will begin flying from Houston's William P. Hobby Airport to New York. The airline will also begin flying from Hilo International Airport in Hawaii, Oakland International Airport and Ontario International Airport, near Los Angeles.

ATA will increase its nonstop flights from Honolulu to the U.S. mainland and will add daily round-trip flights from Houston to New York-LaGuardia.

Combined, the new flights represent an 11.5 percent increase in the airline's daily departures. It is the first time the company has added service since May.

ATA and its parent company ATA Holdings Corp. are expected to emerge from Chapter 11 bankruptcy protection in late February.

BRIEFS  
NATION

NEW YORK

Economic indicators  
suggest future growth

A closely watched gauge of future economic activity edged higher in December, pointing to continued but, perhaps, uneven growth in the year ahead, a private research group said Monday.

The Conference Board said its Index of Leading Economic Indicators, designed to take the pulse of the economy in the near term, rose 0.1 percent last month, smaller than the 0.2 percent gain forecast by analysts. The December increase followed gains of 0.9 percent in November and 1.0 percent in October; both of which were revised upward.

The three consecutive monthly gains suggest an economy that is likely to expand moderately in the near term and, perhaps, slow later in the year, the board and analysts said.

The leading index's increase in December reflects improvements in six of its 10 components, including consumer expectations, real money supply, stock prices, average first-time claims for jobless benefits, the interest rate spread and new orders to manufacturers for consumer goods.

WASHINGTON

Alito sure to get first vote;  
Dems still plan to oppose

Supreme Court nominee Samuel Alito heads into the first vote of his high court candidacy with victory assured today in a Senate committee, but Democratic opponents are still working to dampen his support in the full Senate.

The GOP-controlled Judiciary Committee is expected to advance the nomination of Alito, President Bush's pick to replace retiring Justice Sandra Day O'Connor, on the strength of its 10 Republican senators. There are eight Democrats on the panel.

All 10 Republicans, including chairman Arlen Specter of Pennsylvania, the committee's lone GOP abortion rights supporter, announced their support soon after Alito finished his confirmation hearings earlier this month. That guarantees he'll have a positive recommendation from the panel when the Senate begins final debate Wednesday.

Half of the committee's eight Democrats have announced their opposition to his nomination. Many expect the others to join them.

## Lawmakers want say on BMV decisions

By MIKE SMITH  
THE ASSOCIATED PRESS

INDIANAPOLIS

It appears that legislative fall-out over the closings of more than 20 BMV license branches will be on the light side in this session of the General Assembly.

But a bill unanimously endorsed by a Senate committee last week would give lawmakers at least a little window, and some say some scrutiny, into decisions made by the Bureau of Motor Vehicles.

On purpose, new Republican Gov. Mitch Daniels and his appointed BMV Commissioner Joel Silverman, waited until the final legislative session ended to start shutting down some branch-

## ANALYSIS

es. If they had spelled out their specific plans while lawmakers were in session, it could have spoiled much of what they were seeking in other areas.

It was a smart move on the administration's part, but it angered many lawmakers on both sides of the aisle. Democrat lawmakers who had district branches closed were more vocal, publicly, with their criticism. Some Republicans sounded off, too, but they were careful to fire their arrows at Silverman instead of their party boss, Daniels.

Republicans who control both

chambers of the General Assembly were irked enough to create an interim panel to grill Silverman over the branch closings.

The Johnson County resident appeared before those legislators, explained his rationale and strategy, and said the closings would save money and make the overall system more efficient. The interim panel did not scream or demand major changes. In the end, it suggested little change and gavelled out.

But under a bill by state Sen. Allen Paul, R-Richmond, legislative scrutiny of branch closings would become permanent.

His original bill would have required the BMV to reopen five branches closed in his district. "That wouldn't fly," Paul said.

He said there were several lawmakers who wanted to add their closed branches to his bill. That would have gotten out of hand, he said.

Under the amended bill endorsed 8-0 last week, a legislative committee would be created to review any past closings and scrutinize any future ones. Lawmakers could recommend that some branches be reopened, or suggest that any future closings be denied.

But the final decision would be left to the BMV commissioner.

Paul said his bill would simply provide some legislative oversight to potential changes in a government service that many Hoosiers rely on.

With a unanimous committee

endorsement, chances are the bill will be passed by the Senate and be sent to the House.

House Speaker Brian Bosma, R-Indianapolis, said he had not seen the bill but acknowledged that the branch closings had angered some of his chamber and party colleagues. He wanted to see the specifics of the legislation but did say this:

"I think it's very important to have legislative oversight of administrative closings, including at the Bureau of Motor Vehicles, but we also want to be sure that administration, this administration and future administrations, have the flexibility to make cost-efficiency decisions without having to get a signoff from the entire world."

Supreme Court refuses to hear  
BlackBerry patent appeal

Federal court decision could shut down handheld e-mail devices

By TONI LOCY  
THE ASSOCIATED PRESS

WASHINGTON

Millions of BlackBerry users can now turn their attention back to a Richmond, Va., federal court where the fate of the popular wireless e-mail device may be decided.

After the Supreme Court chose on Monday not to intervene in the case, the resolution of the long-running battle over patents for the handheld device is up to U.S. District Judge James R. Spencer.

Although the judge could impose an injunction and block BlackBerry use among many of its estimated 3 million owners in the United States, many analysts expect Research In Motion Ltd., the device's maker, to strike a deal with the patent-holder or introduce changes to work around the patents.

Even if Spencer orders a partial shutdown, analysts said, he is likely to give users 30 days or more to switch to competing companies that provide wireless e-mail service.

"We think the Supreme Court's rejection of (Research in Motion's) position makes it clear that RIM should stop defying the U.S. legal system."

Kevin Anderson  
Attorney representing NTP, a Virginia firm claiming ownership of a technology patent used in making wireless e-mail devices

Lawyers for NTP Inc., a small northern Virginia firm that says it owns the patent on the technology that makes the BlackBerry work, have said government and emergency workers would be exempt from any BlackBerry blackout. Others who have come to rely on the device — such as lawyers, business travelers and brokers — might be out of luck.

Research in Motion had asked the justices to decide whether U.S. patent law is technologically out of date in the age of the Internet and the global marketplace.

At issue was how U.S. law applies to technology that is used in a foreign country and reportedly infringes on the intellectual property rights of a patent-holder in the United States.

RIM, a Canadian company, had contended it cannot be held liable for patent infringement because its main relay station for data transmission is located in Waterloo, Ontario, outside U.S. borders.

But a federal appeals court had found that the company had infringed on the patents held by NTP because customers use the BlackBerry inside U.S. borders. The lower court said it did not matter where the relay station is located.

Attorney Kevin Anderson, who represents NTP, said the firm is pleased with the court's action.

"We think the Supreme Court's rejection of RIM's position makes it clear that RIM should stop defying the U.S. legal system," he said.

Since its introduction in 1999, the BlackBerry has revolutionized the business world, allowing people to stay in constant e-mail contact with their offices and clients while they are away from their desktop PCs.

O'Connor's  
final vote  
may be 4-4  
tiebreaker

The Associated Press

WASHINGTON

In possibly her last day on the bench, Supreme Court Justice Sandra Day O'Connor broke a 4-4 tie Monday as she had so many times before, and left a host of thorny issues for her successor.

Justices are about halfway through a historic term, with a new chief justice and the delayed retirement of its first woman member. The Senate could vote on replacing O'Connor with Samuel Alito as early as this week.

There was no sign Monday of the drama, as the robed justices met briefly to announce their final rulings before taking a monthlong break. The court had been expected to announce, but did not, whether it would hear three cases, dealing with a type of late-term abortion, politics and presidential wartime powers.

O'Connor has been the deciding vote in two appeals, one that went against a death row inmate and the Monday 5-4 ruling in which she joined the four more liberal justices in opening states to some lawsuits over the division of property in a bankruptcy.

O'Connor's retirement begins after the Senate approves her successor.

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by Philip J. Mirise, D.D.S.  
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