

## Patent Cases

### California:

- ***D&D Group Pty Ltd, et al. v. Nationwide Industries Inc.* (S.D. Cal.)**  
– Bond represented Nationwide Industries, a manufacturer and designer of hardware and components for the building materials industry, in the defense of a patent infringement suit filed by a competitor. We obtained summary judgment of non-infringement on behalf of Nationwide, which was subsequently affirmed on appeal by the U.S. Court of Appeals for the Federal Circuit. In addition to defending the lawsuit for Nationwide, Bond filed a reexamination of the asserted patent at the U.S. Patent and Trademark Office that resulted in significant claim amendments.
- ***ProtectConnect, Inc. v. Leviton Manufacturing Co., Inc., et al.* (S.D. Cal.)** – Bond defended Pass & Seymour (part of the Legrand family of companies), a leading manufacturer and provider of ground fault circuit interrupters, wiring devices, electrical switches and outlets, against patent infringement claims brought by a non-practicing entity and assisted with settling the case prior to trial.
- ***Philips Lighting North America Corporation et al. v. Deco Enterprises, Inc.* (C.D. Cal.)** – Bond represented Philips Lighting in a patent infringement action relating to Philips Lighting's pioneering LED technologies. The case was successfully settled.

### Connecticut:

- ***Hubbell Inc. v. Pass & Seymour, Inc.* (D. Conn.)** – Bond defended Pass & Seymour in a two patent case filed by a competitor involving ground fault circuit interrupter (GFCI) technology. After discovery, we obtained summary judgment of patent non-infringement and patent invalidity in favor of Pass & Seymour.

### Delaware:

- ***Activelight, Inc. v. Cosi, Inc.; Activelight, Inc. v. White Castle Management Co.; WAND Corp. v. Activelight, Inc.* (D. Del.)** – Bond represented digital menu-board developer WAND Corp. and two of its customers, Cosi and White Castle, in three patent cases involving digital menu technology. After we located key prior art, we negotiated a successful settlement in which the plaintiff agreed never to sue WAND or its customers over the patents.

### Illinois:

- ***Illinois Tool Works, Inc. v. Pacific Tek, Inc., et al.* (N.D. Ill.)** – Bond is representing Pacific Tek, Inc., an industrial equipment supplier, and its current and former owners and officers against patent-infringement and common law tort claims involving vehicle-mountable devices used to operate underground water valves.
- ***The Metraflex Co. v. Flex-Hose Co., Inc.* (N.D. Ill.)** – Bond defended Flex-Hose, a manufacturer and provider of HVAC products, against a claim of patent infringement and assisted in settling the case prior to trial.

### Florida:

- ***PPS Data, LLC v. athenahealth, Inc.* (M.D. Fla.)** – Bond represented athenahealth, a provider of web-based services to physician practices, in a patent case involving alleged infringement with respect to electronic claims processing systems. After motion practice on the substantive merits, the case was stayed in view of a reexamination proceeding, which was ultimately successful.

### International Trade Commission:

- ***In the Matter of Certain Microsphere Adhesives and Products Containing Same, Including Self-Stick Repositionable Notes* (ITC)**

– Bond represented Beautone of Taiwan in this International Trade Commission proceeding instituted by 3M challenging importation of pads coated with repositionable microsphere adhesive. We obtained dismissal of the claims against Beautone.

- ***In re Certain Ground Fault Circuit Interrupters & Prods. Containing Same* (ITC)** – Bond represented Pass & Seymour in this International Trade Commission proceeding involving six patents asserted against four primary China-based manufacturers, each of whom made different accused products. The ITC issued an exclusion order against each of the Chinese manufacturers, which prevented the importation of the accused products.

### Maryland:

- ***Kernius, et al. v. International Electronics, Inc.* (D. Md.)** – Bond represented International Electronics, a manufacturer of telephonic equipment, in this patent infringement proceeding. We obtained summary judgment of non-infringement in favor of International Electronics. We also conducted a jury trial on the issue of patent invalidity, and assisted in settling the case after defending the appeal to the U.S. Court of Appeals for the Federal Circuit.

### Massachusetts:

- ***Philips Lighting North America Corporation et al. v. Ikan International, LLC* (D. Mass.)** – Bond represented Philips Lighting in a patent infringement action relating to Philips Lighting's pioneering LED technologies. The case was successfully settled after the lawsuit was filed.
- ***Philips Lighting North America Corporation et al. v. GVA Lighting, Inc.* (D. Mass.)** – Bond represented Philips Lighting in a patent infringement action relating to Philips Lighting's pioneering LED technologies. The case was successfully settled after the lawsuit was filed.

### Minnesota:

- ***D B Industries, LLC, d/b/a Capital Safety USA v. Buckingham Manufacturing Co., Inc.* (D. Minn.)** – Represented Buckingham in the defense of two patents relating to pole climbing fall prevention assemblies and suspension trauma relief strap assemblies. The case was successfully settled.

### New York:

- ***Advanced Fiber Technologies (AFT) Trust v. J&L Fiber Services, Inc.* (N.D.N.Y.)** – Bond represented J&L Fiber Services, a leading provider of optimization solutions for the pulp and paper industry, in defense of patent infringement claims directed toward screen cylinders for pulp manufacture.
- ***AxAir Nortec, Ltd. v. Armstrong International, Inc.* (N.D.N.Y.)** – Bond represented patent owner AxAir Nortec, a Canadian company engaged in the development and manufacture of commercial humidification technology, in this patent infringement action relating to gas-fired humidifiers. The case was settled following discovery with defendant taking a license.
- ***Cequent Trailer Products, Inc. v. Diversi-Tech Corp.* (N.D.N.Y.)** – Bond represented patent owner Cequent, a manufacturer of couplers, winches, jacks, stabilizers, trailer lighting and marine accessories, in this patent infringement action. The case was settled with defendant taking a license.
- ***Edmund Optics, Inc. v. Semrock, Inc.* (W.D.N.Y.)** – Bond represented Semrock in this patent infringement suit involving optical filters. The case was settled on confidential terms.

- **Glogowski v. Organix Industries, Inc. et al. (W.D.N.Y.)** – Bond represented Dr. Glogowski in this patent infringement suit involving processes for converting waste into organic compost material. After a favorable claim construction ruling, the case settled.
- **Pass & Seymour, Inc. v. Hubbell, Inc. (N.D.N.Y.)** – Bond represented Pass & Seymour in three cases prosecuting several patent infringement claims involving ground fault circuit interrupters, and assisted with settling the cases prior to trial.
- **SubAir, Inc. v. D. Potts and Soil Air Technology, Inc. (N.D.N.Y.)** – Bond defended Soil Air Technology, a developer of systems for soil and water treatment, and its founder against a multi-count complaint over the ownership of a patent related to subsurface soil conditioning technologies for PGA-level golf greens and soccer pitches. We obtained a consent judgment dismissing plaintiffs' claims and adjudging our client to be the patent owner.
- **Wacoh Co. v. Kionix, Inc. (N.D.N.Y.)** – In a case originally filed in the District of Delaware and transferred to the Northern District of New York, Bond defended Kionix, a leading manufacturer and provider of micro-electromechanical systems (MEMS) sensors, against a claim of patent infringement and assisted with settling the case prior to trial.

#### Texas:

- **Ikan International Corporation v. Philips Lighting North America Corporation et al. (S.D. Tex.)** – Bond represented Philips Lighting in the defense of a declaratory judgment action relating to Philips Lighting's pioneering LED technologies. After briefing and hearing on a motion to dismiss, we obtained dismissal of the action and final judgment on behalf of Philips Lighting.
- **HydroConduit Intl. and PipeLiners, Inc. v. American Pipe and Plastics, Inc., et al. (S.D. Tex.)** – Bond defended American Pipe and Plastics, a manufacturer of conduit systems for municipal sewers, telecommunications and power applications, against patent infringement claims regarding trenchless pipeline rehabilitation technology.
- **Ameranth, Inc. v. PAR Technology Corp., et al. (E.D. Tex.)** – Bond defended PAR, a leading provider of point-of-sale solutions for hospitality companies, against a claim of patent infringement brought by a non-practicing entity and assisted in settling the case after the close of discovery and prior to trial.
- **Klausner Technologies, Inc. v. Alcatel-Lucent USA, Inc., et al. (E.D. Tex.)** – In this multiple-defendant case, Bond represented telecommunications providers Windstream and Paetec in defending patent infringement claims involving networking technologies and assisted in settling the case prior to trial.

#### Wisconsin:

- **Total Containment Systems, LP v. Central Painting Inc., et al. (E.D. Wis.)** – Bond represented TCS, a provider of working platform and debris shielding systems, in a patent infringement action against one of its competitors and an alleged contributory infringer. The case was successfully settled after lawsuit was filed.

#### Trademark / Trade Dress / Copyright Cases

##### New York:

- **Christian Louboutin, S.A.S., et al. v. Alba Footwear, LLC, et al. (S.D.N.Y.)** – Bond represented Alba Footwear in this trademark action. The action was settled on confidential terms.

- **Federal Express Corp. v. Federal Espresso, Inc., et al. (N.D.N.Y.)** – Bond represented FedEx in this trademark infringement action at the district court and appellate level. We obtained a consent judgment on FedEx's behalf and the defendant ceased use of its allegedly infringing mark.
- **Finatex, LLC v. Capital Market Services, LLC et al. (S.D.N.Y.)** – Bond represented a foreign currency exchange firm in a copyright and trade secret misappropriation action relating to an online currency trading platform. We assisted in settling the case after the close of discovery and prior to trial.
- **Jaccard Corp. v. WINCO Industries Co., et al. (W.D.N.Y.)** – Bond represented Jaccard, a famous manufacturer of meat tenderizing equipment, in a trade dress infringement action. The case was settled after the lawsuit was filed.
- **Microsoft Corp. v. Maven Technologies, LLC; Microsoft Corp. v. The GoodComputerGuy, LLC. (W.D.N.Y.)** – Bond represented Microsoft in these intellectual property actions alleging copyright and trademark infringement, false designation of origin, false description and representation, and unfair competition relating to the alleged sale and distribution of Microsoft software. We obtained permanent injunctions in both cases on behalf of Microsoft.
- **Moog, Inc. v. Newport Aeronautical, Inc. (C.D.Cal)** – In a case originally filed in the Western District of New York and transferred to the Central District of California, Bond defended Newport Aeronautical in this copyright action relating to alleged infringement of aviation industry manuals. The action was settled on confidential terms.
- **Oneida Ltd. v Utica Cutlery Company (S.D.N.Y.)** – Bond represented Oneida Ltd. in this action alleging that the defendant had infringed Oneida's trade dress rights in flatware designs. The action was settled on confidential terms following discovery, motion practice and mediation.
- **Syracuse University v. Niche Wave Media, Inc., et al.; Syracuse University v. Realtime Internet.com, Inc., et ano. (N.D.N.Y.)** – Bond represented Syracuse University in these trademark infringement, dilution, and cybersquatting actions. We obtained consent judgments on the University's behalf and the defendants ceased use of the allegedly infringing marks and domain names.
- **Ultralife Corp. v. Targus Group International, Inc., et al. (W.D.N.Y.)** – Bond represented trademark owner Ultralife, a global developer of battery and energy products and communications systems, in a trademark action. The case was settled after the lawsuit was filed.
- **Union of Orthodox Jewish Congregations of America v. Once Again Nut Butter Collective Inc. (S.D.N.Y.)** – Defended Once Again Nut Butter, a manufacturer of organic and natural nut butters, in a trademark infringement action involving alleged use of Kosher food certification mark, and assisted with successfully settling the case.
- **HealthNow New York Inc. v. CHSPSC, LLC (W.D.N.Y.)** – Represented HealthNow in a trademark infringement action asserting the company's registered HEALTHNOW marks. The case was successfully settled after the lawsuit was filed.

##### International Trade Commission:

- **In the Matter of Certain Canary Yellow Self-Stick Repositionable Note Products** – Bond defended Print Inform, GmbH, a leading provider of self-adhesive and pressure-sensitive media technology, against claim of infringement of 3M's registered trademark for the color canary yellow for repositionable notes.