



Katten Attorneys Win Federal Appeals Case on Behalf of Entrepreneur

October 8, 2010

On October 6, 2010, the Court of Appeals for the Federal Circuit reversed the U.S. International Trade Commission and vacated an exclusion order that prohibited Lucky Litter LLC, a small entrepreneur, from importing the products that were at issue in the proceeding before the Commission. The court held invalid the one claim that Lucky Litter was found to have infringed.

Before the exclusion order became effective, Lucky Litter collaborated with Katten's patent lawyers to design around the claim of the patent-in-suit by eliminating a non-essential feature of the product. Patent litigation counsel and the firm's Customs and International Trade Practice presented the redesigned product to U.S. Customs officials, who agreed that it was not covered by the exclusion order. Thus, the exclusion order did not prevent Lucky Litter from importing products.

Partner Eric Cohen, with Associates Carolyn Passen and Jeremy Daniel, of the firm's patent litigation group, represented Lucky Litter in the hearing before the Commission and on the appeal. Partner Mark Zolno, Chair of the firm's Customs and International Trade Practice, represented Lucky Litter before U.S. Customs.

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