

Around the water cooler: Finding success on a patent case

By Olivia Clarke

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After a 10-day jury trial in Beaumont, Texas, Ungaretti & Harris won a major victory for an Ohio-based scale manufacturer, B-Tek Scales, LLC, and its Italian joint venture partner, Bilanciai, in a patent case involving digital scale technology.

B-Tek and Bilanciai were accused of infringing three patents held by Mettler-Toledo, Inc., a figure in the international scale industry.

Rejecting Mettler-Toledo's claims for \$18 million, the jury returned a verdict of no infringement on any of the three patents. The jury also held that two of the patents were unenforceable because they were obvious and involved no protectable invention.

The trial team was made up of partners Lisa C. Sullivan, and Susan G. Feibus, along with associates Amy M. Gardner and Richard H. Tilghman IV. Technical assistants Heidi Goldwater and Jennifer Olejniczak also contributed significantly to the efforts.

Sullivan, who was lead counsel on the case, said the firm received the case in late 2006, and the trial occurred on

Jan. 14, 2009.

In some ways the experience was easier than she thought it would be because the team worked so well together, she said. And the trial technology really helped their side stand out to the jury.

But she said everyone worked very hard. For example, for the month of January everyone on the team billed 300 hours.

"I don't call myself a young attorney anymore because I've been out of law school almost 12 years," she said. "But even at my age it is rare to find someone [at Sullivan's level] chairing a patent infringement trial. They don't very often go to trial, and when they do go to trial it's usually big companies, big law firms, and they're heavily staffed.."

"In the past year the IP department has grown by leaps and bounds and we have a whole department now. I think this kind of does put our firm on the map for doing intellectual property litigation."

Gardner, who second-chaired the case, said one of the reasons she came to Ungaretti was because she wanted the opportunity to spend more time in

court, rather than preparing other people to try cases. And she said she's gotten that experience.

Besides winning the trial, she said, she enjoyed "getting to meet the jury afterwards because it was really interesting to hear how they deliberated and to hear their thoughts about what they were seeing over the previous two weeks."

Partner F. Thomas Hecht helped supervise the younger lawyers, and help ensure that the clients' needs were adequately addressed. An emergency kept him from joining the team in Texas.

The technological presentation was amazing, so much so that the jury commented after the trial about how effective it was, he said.

"They are all very, very bright, all very talented lawyers, but this is a daunting task to undertake a case in front of a jury - particularly one with the complexities that this had," Hecht said. "Quite frankly I think they did a great job in the courtroom."

"This is not a firm where you can hide out very well. Younger people, particularly, are willing to step up and go to bat, and what's why they turn out to be very good at what they do."