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LITIGATION NOTE: Crowell & Moring Prevails for ScentAir in Long-Running Patent Infringement Case

Washington – February 10, 2021: Crowell & Moring successfully secured summary and final judgment as well as attorney fees and costs for ScentAir Technologies, a global leader in scent marketing, in a patent infringement case that has spanned almost a decade against competitor Prolitec. ScentAir develops scents and scenting technologies for many of the world’s most recognized retail and hospitality brands. The final order came down January 27: the team won costs and attorney fees it had sought from Prolitec. U.S. District Court Judge Brett H. Ludwig of the Eastern District of Wisconsin summarized his award of the full amount of attorney fees sought: “Prolitec’s Unnecessary and Meritless Challenges to the Entry of Judgment Make this an ‘Exceptional’ Case under 35 U.S.C. 285.”

It has been nearly nine years since Prolitec’s original 2012 complaint in Milwaukee, alleging ScentAir infringed two asserted patents. A key victory for ScentAir was invalidating both of Prolitec’s asserted patents by *inter partes review* at the U.S. Patent & Trademark Office and the U.S. Court of Appeals for the Federal Circuit, making ScentAir the prevailing party on its counterclaims of invalidity in Wisconsin, as found by Judge Ludwig before further awarding ScentAir attorney fees and costs.

The team was led by partner [Josh Pond](#) and included partner [Vincent Galluzzo](#), counsel [Preetha Chakrabarti](#), and associates [Robert Kornweiss](#) and [Carissa Wilson](#). ScentAir’s General Counsel Samantha Lloyd and CEO Dan Connors are “quite pleased with these results.”

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