



Portfolio Media, Inc. | 648 Broadway, Suite 200 | New York, NY 10012 | www.law360.com
Phone: +1 212 537 6331 | Fax: +1 212 537 6371 | customerservice@portfoliomedia.com

Arlington Snags \$2.8M Verdict In Bridgeport Patent Suit

By **Liz McKenzie**

Law360, New York (October 08, 2009) -- A Pennsylvania jury has handed Arlington Industries Inc. a \$2.8 million willful infringement verdict in a patent infringement and breach of contract case Arlington first brought against Bridgeport Fittings Inc. more than eight years ago over steel adapters used in electrical junction boxes.

The judge entered judgment in favor of Arlington in the U.S. District Court for the Middle District of Pennsylvania on Wednesday, following a jury's Sept. 25 verdict.

The jury found that Bridgeport had literally and willfully infringed U.S. Patent Number 5,266,050 and sold "colorable imitations" of fittings and connectors that it had been enjoined from making and selling in an earlier settlement agreement.

"We were thrilled with the outcome," said Crowell & Moring LLP partner Kathryn Clune, who represented Arlington. "It was a long time coming. We had an overwhelming amount of evidence indicating infringement and willful infringement."

Arlington will file a post-trial motion for enhanced and treble damages by Oct. 19, she added. The company also will file for a permanent injunction, which, if granted, would be the fourth injunction Arlington has won against Bridgeport.

The jury found for Arlington on all counts and awarded it \$2.8 million for lost profits, \$660,000 in reasonable royalties, and \$2.8 million on the breach of contract claims stemming from the settlement.

Arlington's award will be the highest of the three and likely will equal \$3.1 million or \$3.2 million with prejudgment interest, Clune said.

The dispute goes back to 2001, when Arlington first sued Bridgeport for patent infringement over two patents — the '050 patent and U.S. Patent Number 5,171, 164 — both of which related

to fitting for electrical junction boxes. On the eve of trial in 2004, Bridgeport reached a settlement with Arlington and agreed to a permanent injunction.

As part of the settlement, Bridgeport submitted that the two patents were valid and agreed that it had infringed them. The injunction prohibited Bridgeport from selling or manufacturing any products similar to those previously at issue in the case or infringing Arlington's patents.

But in late 2005 Bridgeport released its "Whipper-Snapper" connectors, which Arlington contends violate the past injunction and continue to infringe the '050 patent. The "Whipper-Snapper" connectors resulted in this patent infringement and breach of contract suit.

Arlington argued that Bridgeport's connector met every limitation for claim 8 of the '050 patent.

On Sept. 14 the U.S. Court of Appeals for the Federal Circuit denied Bridgeport's writ of mandamus seeking summary judgment in its favor and its motion to stay the upcoming trial.

Attorneys for Bridgeport could not immediately be reached.

Arlington is represented in the matter by Crowell & Moring LLP, Greenberg Traurig LLP and Rhoads & Sinon LLP. Bridgeport is represented by Briggs & Morgan PA and Morrison & Foerster LLP.

The case is Arlington Industries v. Bridgeport Fittings et al., case number 3:01-cv-00485, in the U.S. District Court for the Middle District of Pennsylvania