

Fed. Circ. Axes Bridgeport Contempt Appeal Over Cable Patent

By Allissa Wickham

Law360, New York (July 17, 2014, 7:04 PM ET) -- The Federal Circuit on Thursday dismissed an appeal from Bridgeport Fittings Inc. over a lower court's finding that it had violated a settlement related to an electrical cable patent, ruling that the court did not have jurisdiction because the agreement hadn't been modified.

The three-judge appeals panel held that a lower court had merely interpreted, rather than modified, a 2004 agreement barring Bridgeport from producing electrical connectors that allegedly infringed on Arlington Industries Inc. when it entered a contempt order against the company in 2013.

"[We] conclude that we lack jurisdiction to consider Bridgeport's appeal because the district court's order simply interpreted or clarified its original 2004 injunction," the appeals Circuit Judge Todd M. Hughes wrote for the panel.

The suit stems back to 2002, when Pennsylvania-based Arlington sued Bridgeport for allegedly infringing on its patent for a method for connecting cables to a junction box using "electrical fittings," according to the Federal Circuit.

The parties eventually settled in 2004, with Bridgeport signing a statement asserting that Arlington's patent was valid and infringed by its Speed-Snap electrical connector products. The deal also prohibited Bridgeport from selling certain Speed-Snap products or their "colorable imitations," the opinion said.

However, Bridgeport then redesigned its connectors and began selling them under the Whipper-Snap brand, and Arlington filed a contempt motion in 2012 asserting that the new connectors violated the 2004 agreement, according to the panel.

The district court found that the new connectors were not more than colorably different from the old ones, and entered a contempt order against Bridgeport that forbade the company from selling its new accused products, the opinion stated.

On appeal, Bridgeport argued that the new injunction had broadened the scope of the old one and that the Federal Circuit therefore had jurisdiction over the appeal, as the court may considered interlocutory orders if they change an injunction.

But the Federal Circuit didn't buy that argument on Thursday, finding that the 2004 agreement had enjoined Bridgeport from making "any colorable imitations" that infringed on the first claim of the

patent-in-suit, which the 2013 injunction also did.

The court also held that the district court's construing certain claim terms for the first time in the 2013 injunction doesn't necessarily modify the parties' relationship.

Further, the appeals panel noted that Bridgeport's later appeals of the district court's sanctions order suggested that the current appeal may have been premature, as a contempt order is not appealable if sanctions have not yet been imposed. That sanctions order was filed in late June; it held that Arlington was entitled to \$495,648 in lost profits and \$1,527,632 in attorney fees, as well as prejudgment interest.

Attorneys for Bridgeport and Arlington did not immediately return a request for comment on Thursday.

The patent-in-suit is U.S. Patent Number 6,335,488.

Bridgeport is represented by Alan M. Anderson, Matthew R. Palen and Aaron C. Nyquist of Alan Anderson Law Firm LLC.

Arlington is represented by Kathryn Clune, Scott Bittman, Amir D. Katz and Jacob Ziemowit Zambrzycki of Crowell & Moring LLP; Carter G. Phillips and Rachel Heather T. of Sidley Austin LLP; and Eric Shumsky of Orrick, Herrington & Sutcliffe LLP.

The case is Arlington Industries, Inc. v. Bridgeport Fittings Inc., case number 13-1357, in the U.S. Court of Appeals for the Federal Circuit.

--Editing by Brian Baresch.