Banner Witcoff Wins Summary Judgment of Non-Infringement in Akeva Footwear Patent Dispute

Banner Witcoff is pleased to announce that on July 8, 2019, the United States District Court for the Middle District of North Carolina granted summary judgment of no patent infringement in favor of firm client NIKE Inc.

The case, styled Asics Am. Corp. v. Akeva L.L.C. v. NIKE, Inc.; Adidas America, Inc.; New Balance Athletic Shoe Inc.; and Puma North America, Inc., Civil Action No. 1:09-cv-00135 (M.D.N.C.), involved Akeva's allegations that NIKE and others infringed nineteen patents directed to alleged improvements in rear soles of athletic footwear. Akeva accused 523 NIKE footwear styles of infringement, including the NIKE Shox, NIKE Impax and NIKE Reax styles.

After a combined Markman claim construction and summary judgment hearing, Magistrate Judge Joi Elizabeth Peake issued a report and recommendation concluding that "… there is no basis on which a jury could find that Defendants' products infringe any valid claims." District Judge Loretta C. Biggs adopted the magistrate's report and recommendation in its entirety, and dismissed the case with prejudice.

NIKE was represented by Banner Witcoff's Chicago-based attorneys Christopher J. Renk, Michael J. Harris, Janice V. Mitrius, Victoria R. McDonald Webb and Kevin T. Dam. Akeva was represented by Jones Day.

Posted: July 22, 2019