B&W wins summary judgment of patent infringement.

January 11, 2006

Banner & Witcoff is pleased to announce that it prevailed today on a motion for summary judgment of patent infringement in *SunTiger, Inc. v. Sunglass Products of California d/b/a Zoom Eyeworks, Inc and Fisherman Eyewear*.

Sunglass Products sells sunglasses under the name “Fisherman Eyewear.” See http://www.fishermaneyewear.com. One of the lenses in the Fisherman Eyewear line of sunglasses is a type of lens that Sunglass Products calls “Low Light Amber.” Sunglass Products markets this Low Light Amber lens to fisherman and states that the lens is “excellent for low light conditions such as first and last light or heavily overcast days.”

SunTiger has multiple patents, including U.S. Pat. Nos. 5,177,509 and 5,400,175, that cover the technology used in Sunglass Product’s Low Light Amber lenses. This technology originated from the Jet Propulsion Laboratory (“JPL”), which is managed for the National Aeronautics and Space Administration (“NASA”) by the California Institute of Technology. JPL is the lead U.S. center for robotic exploration of the solar system. The patented technology protects human eyesight by blocking dangerous blue, violet, and ultraviolet light and allowing substantial transmission of wavelengths of light that are useful for visual acuity.

On January 11, 2006, the Court, a federal court in Los Angeles, granted summary judgment of infringement and held that the Fisherman Eyewear “Low Light Amber” lenses literally infringed SunTiger’s ‘509 and ‘175 Patents. A jury trial is scheduled for June 2006 in order to determine the extent of SunTiger’s damages and to establish whether Sunglass Products’ infringement was willful.

In view of the fact that Sunglass Products made an unusual move of waiving traditional defenses of invalidity and unenforceability, this ruling by the Court establishes Sunglass Products’ liability. Consequently, SunTiger expects that a permanent injunction will issue shortly.

The legal team on this case representing SunTiger was Timothy C. Meece of Banner & Witcoff, Ltd. and Larry A. Sackey of the Law Offices of Larry A. Sackey.

Banner & Witcoff's representation of SunTiger in enforcement of these patents dates to 1997, when Banner & Witcoff lawyers obtained a multimillion dollar jury verdict and finding of willfulness that was affirmed by the U.S. Court of Appeals for the Federal Circuit.

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