Federal Circuit Refuses to Stay Preliminary Injunction Protecting Kimberly-Clark's Technology to Manufacture PULL-UPS® Refastenable Training Pants

August 9, 2010

On August 2, 2010 the U.S. Court of Appeals for the Federal Circuit refused to stay a district court decision granting a preliminary injunction to Kimberly-Clark, in the case *Kimberly-Clark Worldwide, Inc. v. First Quality Baby Products, LLC.* First Quality Baby Products' had requested a stay of the preliminary injunction by the Federal Circuit, while its appeal to that Court is pending.

The appeal is a result of Kimberly-Clark's (K-C) motion in the district court seeking to preliminarily enjoin competitor First Quality Baby Products from infringing K-C's patented technology protecting methods of manufacturing its PULL-UPS® refastenable training pants. The U.S. District Court for the Eastern District of Wisconsin granted K-C's motion on May 20, 2010. First Quality filed its motion for stay of the injunction with the Federal Circuit following the ruling.

The preliminary injunction prevents First Quality from making, using, selling or offering to sell in the United States, or importing into the United States, the methods of manufacturing disposable training pants with refastenable side seams that infringe on four of Kimberly-Clark's patents (U.S. Patent Nos. 6,514,187, 6,776,316, 6,888,143 and 7,156,939).

The Banner & Witcoff legal team representing Kimberly-Clark included Marc Cooperman, Pieter van Es, Matthew Becker, Aimee Kolz, Michael Krashin, and Katie Becker.

Please click here to view the Federal Circuit's ruling, and here to view the District Court's opinion granting the preliminary injunction.

Please direct all media inquires to Colleen Strasser at cstrasser@bannerwitcoff.com or 312.463.5465.

Posted: August 9, 2010