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Section 337/ITC Litigation

Trade Dress

Trade Secrets

Trademarks

Representative Experience

Win For Banner Witcoff Client Greenbrier in Federal Circuit Court Affirming Summary Judgment of No Patent Infringement

November 26, 2025 — Banner Witcoff's client, The Greenbrier Companies, among the largest U.S. manufacturer of railroad cars and an industry leader, prevailed in a Federal Circuit decision affirming summary judgment of no patent

infringement. A link to the decision is attached. The plaintiff, National Steel Car, filed suit in the Western District of Texas…

Banner Witcoff Wins Early Victory for Commerce Bank as Court Denies Plaintiff's Bid for Preliminary Injunction

Banner Witcoff secured a significant early win for its client Commerce Bank after the U.S. District Court for the Western District of Missouri denied a motion for preliminary injunction filed by Revenue Management Solutions, LLC (RMS). RMS sought to bar Commerce Bank from continuing to use its healthcare payment-processing platform and from allegedly disclosing confidential…

Skechers U.S.A., Inc. v. Nike, Inc.

We represented NIKE against ongoing attempts to invalidate design patents related to its popular FREE midsole and outsole designs.

LNW (Formerly Scientific Gaming) v. Aristocrat

We successfully represented LNW over a reissue design patent being enforced.

Yeti Coolers

Trademark Portfolio Management and Counseling

Playboy Enterprises International, Inc.

Trademark Prosecution, Counseling, and Enforcement

Toshiba Corp.

Trademark Portfolio Management and Counseling

Shure Incorporated

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Coulter Ventures, LLC D/B/A Rogue Fitness

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Trane Technologies, PLC

Trademark Prosecution, Counseling and Enforcement

Wargaming

Trademark Prosecution, Litigation, Portfolio Management, Counseling

Sloan Valve Company

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Atlas Brew Works

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Country Financial

Trademark Counseling and Enforcement

Lakeshore Learning Materials, LLC

Trademark Prosecution, Litigation, Portfolio Management, Counseling

Albany International Corp. v. Kimberly-Clark Worldwide, Inc. (Patent Owner Experience)

The PTAB ruled in favor of our client, Kimberly-Clark, in denying institution of a post-grant review to invalidate Kimberly Clark’s patent on laminated papermaking belts based on 19 grounds of invalidity.

Caterpillar v. Esco (Patent Owner Experience)

Received a favorable PTAB ruling for our client.

Synopsys v. Mentor Graphics (Patent Owner Experience)

Successfully represented out client, Mentor Graphics Corp., before the PTAB, finding nine out of 12 of the challenged claims relating to prototyping circuits were not unpatentable.

Clear-vu Lighting v. University of Strathclyde (Petitioner Experience)

Represented Clear-Vu Lighting as petitioner in an IPR proceeding against University of Strathclyde.

Coriant Operations v. Capella Photonics (Petitioner Experience)

The firm filed six petitions for IPRs on behalf of Coriant Operations.

Comcast v. Rovi (Petitioner Experience)

Banner witcoff filed four waves of IPRS on behalf of Comcast in defense of multiple ITC and district court attacks by Rovi.

Ashworth Brothers, Inc. v. Laitram, LLC (Petitioner Experience)

Banner Witcoff filed two petitions for IPRs on behalf of Ashworth Bros.

Banner Witcoff Secures Win for Sebia

Banner Witcoff secured a win for client Sebia at the PTAB by convincing the Board to deny institution of Helena Labs' Petition for Inter Partes Review of Sebia's patent related to separation of hemoglobins. Banner Witcoff argued that Helena Labs' prior art and arguments were the same as or substantially the same as those consider…

Another Win Secured for Ashworth Brothers, Inc. and Banner Witcoff Litigation Team

On Monday, January 29th, the U.S. District Court for the District of Delaware entered an Order of Dismissal with Prejudice of the patent infringement suit that Laitram, LLC and Intralox, LLC. brought against Ashworth Brothers, Inc. Laitram, LLC. and Intralox, LLC. v. Ashworth Brothers, Inc., C.A. No. 19-1130 (GBW). Banner Witcoff secured a complete win…

Banner Witcoff Obtains PTAB Win for Ashworth Brothers, Inc.

On Monday, November 27, the Patent Trial and Appeal Board issued its Final Written Decision on Remand in Ashworth Brothers, Inc. v. Laitram, LLC, IPR 2020-00593, holding that the only remaining patent claim that Laitram alleged to be infringed by Ashworth Bros. that had not previously been found to be unpatentable, was unpatentable for obviousness given the…

Banner Witcoff Files Amicus Brief on behalf of Industrial Designers

On Friday, October 27, a Banner Witcoff team filed an amicus brief on behalf of the Industrial Designers Society of America (IDSA) over the proper application of obviousness in design patents. The case, LKQ Corp. v. GM Global Technology Operations LLC could have significant implications for those that rely on design patents to protect their…

ZRD, L.L.C. Afroman Music v. ZRD LLC, 1:23-cv-3570, U.S. District Court for the Northern District of Illinois

We served as defense counsel, representing the accused infringers in disputes over music performances in bar and restaurant venues in the Chicago area, mitigating damages in high-profile music copyright claims tied to ASCAP enforcement.

Ashworth Bros. Inc. v. Laitram LLC

Represented Ashworth Bros. Inc. in two IPR proceedings against Laitram, LLC, finding that eight (8) of nine (9) asserted claims of the two patents at issue are unpatentable for obviousness on multiple prior art grounds. All of the claims of Laitram's '645 patent were found unpatentable in IPR 2020-594 and four (4) of the five…

Albany International Corp. v. Kimberly-Clark Worldwide, Inc., PGR2021-00019, Paper 22 (PTAB June 22, 2021)

Represented Kimberly Clark in a post-grant review from Albany International alleging 19 grounds of invalidity and multiple invalidating sales to a competitor.

Ashworth Bros., Inc. Ashworth Bros., Inc. v. Laitram, L.L.C. IPR2020-00593, IPR2020-00594 U.S. Patent and Trial Appeal Board

Represented Ashworth Bros. Inc. in two IPR proceedings against Laitram, LLC, as well as an associated U.S. District Court patent infringement action involving Ashworth Bros. Posi-Drive Spiral™ Conveyor Belt System.

The Greenbrier Companies, Inc. National Steel Car Limited v. The Greenbrier Companies, Inc., 6-19-cv-00721, U.S. District Court for the District of Oregon

Represent The Greenbrier Companies, Inc. in a patent infringement suit brought by National Steel Car over alleged infringement of two patents related to gondola rail cars.

Clear-Vu Lighting Clear-Vu Lighting LLC v. University of Strathclyde, IPR2019-00431, U.S. Patent Trial and Appeal Board

Represented Clear-Vu Lighting as petitioner in an IPR proceeding against University of Strathclyde. Clear-Vu showed that the patent's claims directed to using blue light to inactivate certain types of bacteria such as MRSA were invalid.

Mattel Spin Master Ltd. V. Mattel, Inc., IPR2018-01672, IPR2018-01673 and IPR2018-01674, USPTO Patent Trial and Appeal Board

Represented Mattel in three inter partes reviews, as well as in an associated patent infringement case involving Mattel's Mecard line of transformable toys.

Comcast Cable Communications Comcast Cable Communications, LLC v. Rovi Guides, Inc., et al.; Nos. IPR2017-00217, et al., USPTO Patent Trial and Appeal Board

Represent Comcast in a large number of inter partes review petitions filed to defend our client against a series of ITC and district court attacks by Rovi.

NIKE In Skechers U.S.A., Inc. v. NIKE, Inc., Nos. IPR2017-00607, IPR2017-00608, IPR2017-00617, IPR2017-00619, IPR2017-00620, IPR2017-00621, IPR2017-00623, USPTO Patent Trial and Appeal Board

Represented NIKE against ongoing attempts to invalidate design patents related to its popular FREE midsole and outsole designs.

YETI Coolers, LLC. RTIC Coolers LLC v. YETI Coolers, LLC., Nos. IPR2016-01176, IPR2016-01207, IPR2016-01430, IPR2016-01432 and IPR2017-00468, USPTO Patent Trial and Appeal Board

Represented YETI in five inter partes reviews filed by RTIC Coolers against three of YETI's patents for technology related to the latching mechanisms contained on its heavy duty premium hard-sided coolers, and the materials and properties of its soft-sided coolers.

In The Matter Of Certain Set-Top Boxes And Components Thereof, USITC Inv. No. 337-TA-454

In The Matter Of Certain Pet Food Treats, USITC Inv. No. 337-TA-511

In The Matter of Certain Weather Stations and Components Thereof, USITC Inv. No. 337-TA-537

In The Matter of Certain Adjustable Keyboard Support Systems and Components Thereof, USITC Inv. No. 337-TA-670

In The Matter of Certain Toner Cartridges and Components Thereof, USITC Inv. No. 337-TA-740

In The Matter of Certain Sintered Rare Earth Magnets, Methods of Making Same and Products Containing Same, USITC Inv. No. 337-TA-855

In The Matter of Certain Computers and Computer Peripheral Devices and Components Thereof and Products Containing the Same, USITC Inv. No. 337-TA-841

In the Matter of Certain Footwear Products, USITC Inv. No. 337-TA-936

NIKE In Adidas AG v. NIKE, Inc., Nos. IPR2016-00921, IPR2016-00922, USPTO Patent Trial and Appeal Board

Represented NIKE in inter partes reviews brought by adidas against two NIKE patents related to its FLYKNIT technology.

Mortimer Walters and Florian Karrer Lexington Services Ltd., v. U.S. Patent No. 8019807 Delegate, LLC and Florian Karrer, 2018-0157-TMR, The Delaware Court of Chancery

Represented Mortimer Walters and Florian Karrer, and their company in litigation against Lexington Services Ltd. The actions involved whether our client's designee or Lexington controlled the ‘807 patent.

Apprio, Inc. Zaccari v. Apprio Inc., 1:18-cv-01560, U.S. District Court for the District of Columbia

Represented Apprio, Inc. in litigation filed by a former employee who sought $63 million for the alleged infringement of copyrighted software

Yeti Coolers, LLC Yeti Coolers, LLC v. Wal-Mart Stores, Inc., 1:17-cv-01145, U.S. District Court for the Western District of Texas

Represented YETI Coolers in ongoing litigation alleging Walmart sold, and allowed third parties to sell, counterfeit YETI drinkware on the walmart.com website.

Mattel Spin Master Ltd. V. Mattel, Inc. No. 2:18-cv-03435, U.S. District Court for the Central District of California

Represented Mattel in a patent infringement case involving Mattel's Mecard line of transformable toys, as well as in three associated inter partes reviews.

Buc-ee's Ltd. Buc-ee's Ltd. v. Shepherd Retail, Inc., et al., No. 4:15-cv-03704, U.S. District Court for the Southern District of Texas

Represented Buc-ee's in defending its famous logo in litigation including counts alleging trademark infringement, trademark dilution, unfair competition, and unjust enrichment.

NIKE Asics Am. Corp. v. Akeva L.L.C. v. NIKE, Inc.; Adidas America, Inc.; New Balance Athletic Shoe Inc.; and Puma North America, Inc., No. 19-2249, U.S. District Court for the Middle District of North Carolina

Represented NIKE against Akeva's allegations that NIKE and others infringed 19 patents directed to alleged improvements in rear soles of athletic footwear.

Converse Converse v. ITC, No. 16-2497, U.S. Court of Appeals for the Federal Circuit

Banner Witcoff represented Converse in parallel cases at the U.S. International Trade Commission and in New York federal court against Wal-Mart, Skechers and more than 30 other companies for violating its trade dress rights by selling knockoff versions of the iconic Chuck Taylor All Star sneaker. The case was one of the largest trademark cases in ITC history based on the number of respondents and scope of the investigation.

Wargaming.Net LLP Wargaming.Net LLP v. Changyou.com, 1:13cv03444, U.S. District Court for the Northern District of Illinois

Representing World of Tanks® developer Wargaming.net, the firm won a temporary restraining order, preliminary injunction, and final judgment against operators of WorldOfTankShop.com for copyright infringement, trademark counterfeiting, and false affiliation.

Jagex Ltd. Jagex Ltd v. Impulse Software, 10-cv-10216-NMG, U.S. District Court for the District of Massachusetts

For RuneScape® creator Jagex, Ltd., we obtained judgments for copyright infringement, DMCA violations, trademark infringement, computer fraud, and tortious interference against bot software developers.

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Patent Protection for Artificial Intelligence and Machine Learning

Kirk Sigmon has written an extensive guide on patenting artificial intelligence (AI), machine learning (ML), and related inventions for Lexis Nexis. This guide, intended to be a definitive reference on AI/ML patents for in-house counsel and patent attorneys across the world, provides key strategy tips for claim drafting, patent prosecution, and even explores definitional issues affecting the industry as a whole. The guide is a culmination of Banner Witcoff's specialization in AI/ML related inventions. For instance, Kirk, an IBM Machine Learning Professional, has written and prosecuted hundreds of different AI/ML patents in recent years.

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Erik Maurer and Alex Bruening analyze the United States Department of Agriculture's ("USDA") recent report: "More and Better Choices for Farmers: Promoting Fair Competition and Innovation in Seed and other Agricultural Inputs." The duo explores actions the USDA and the USPTO are taking to ensure that the intellectual property system incentivizes innovation in seed and other agricultural inputs without reducing competition.

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Banner Witcoff attorney Kirk Sigmon explores the growing trend of patents directed to video game monetization techniques in an article published in the Georgetown Law Technology Review, **Volume 5, Issue 1 (2021).**

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