

CLIENT SUCCESSES | MAY 15, 2015

BB&K Prevails in Appeal of Intellectual Property and anti-SLAPP law Judgment

Partner Henry Welles successfully defended clients from patent infringement and unfair competition claims

Best Best & Krieger LLP Partner G. Henry Welles obtained a judgment in the U.S. Court of Appeals for the Federal Circuit in a patent infringement lawsuit brought against clients Ernie Ball, Inc. and Hohner, Inc. The CAFC judgment affirms the judgment of dismissal of the complaint, without leave to amend, entered in favor of the clients by the U.S. District Court for the Central District of California.

Ernie Ball and Hohner were sued for patent infringement by Earvana, LLC in March 2014 in the Central District of California. At issue were patents related to certain devices to improve tuning of guitars and other stringed instruments and claims of unfair competition. Welles brought a motion to dismiss the complaint under both FRCP 12(b)(6) and the California anti-SLAPP law. The District Court granted the motion in its entirety, entered judgment of dismissal without leave to amend, and awarded Ernie Ball all the attorney fees sought under the anti-SLAPP law.

Earvana appealed the decision to the CAFC, which, after briefing and oral argument, issued a judgment affirmance of the District Court decision on May 12, 2015.

People



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