



A&G Wins Summary Judgment for Brain-Pad Inc. in Sports Headband Patent Case

Press Releases

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Brain-Pad Inc., maker of mouth-guards and other protective products that reduce sports injuries, did not infringe on a competitor's patent by designing and selling its own impact-protective headbands, a federal judge has ruled.

In dismissing all nine patent-infringement claims against Brain-Pad, Magistrate Judge Mary Pat Thyng of the U.S. District Court for the District of Delaware ruled that the competitor companies, Innovative Patents LLC and Forcefield LLC of Hackensack, N.J., failed to show that Brain-Pad's design infringes on the competitor's patent, and that Brain-Pad may continue to sell the specialized headbands with impact-absorbing inserts. [Click here](#) to read the opinion.

In arguing successfully for summary judgment, Brain-Pad's lawyers from Archer highlighted the history of the patent in question. The legal team - Partners [John C. Connell](#), John F. Letchford, and Charles J. Brown III, along with Associate Stephanie A. Gannon - showed that the original application was amended three times to overcome rejection by the patent examiner because of already-existing patents. The final version, tailored to secure patentability, contains features that are substantively distinct from the Brain-Pad design, Judge Thyng ruled. Thus, Brain-Pad was found not to infringe either literally or under the doctrine of equivalents, which bars designs with only minor departures made simply to defeat literal patent protection. Judge Thyng's ruling of summary judgment also rejected the competitor's demand that Brain-Pad pay triple damages based on alleged losses from infringement.

Brain-Pad, based in Conshohocken, Pa., was founded in 1995 to promote, manufacture and distribute customized dual-arch mouth-guards designed to reduce the risk of concussion from lower jaw impacts while increasing endurance and performance. The company has become a leader in technology development in the sports impact-protection field, with products available in retail and wholesale outlets as well as through distributors, sports leagues, professional organizations, and school teams at the intermediate, high-school, college and university levels.

If you have questions about either the impact of this ruling or other intellectual property matters, please contact John C. Connell or John F. Letchford of Archer's Intellectual Property Group at (856) 795-2121.

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Related People



John C. Connell

Of Counsel

✉ jconnell@archerlaw.com

☎ 856.354.3074

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