



## **Banner & Witcoff client Airlite prevailed on appeal before the Federal Circuit**

Banner & Witcoff client Airlite Plastics Co. (Airlite) has prevailed on appeal before the U.S. Court of Appeals for the Federal Circuit. The Court affirmed the district court's issuance of summary judgment of non-infringement based on collateral estoppel. The Court agreed with Airlite that rulings of claim construction and non-infringement issued against the patent holder in an earlier suit against third parties precluded the patent holder's claims against Airlite in the later suit. The earlier suit was summarily affirmed without opinion under Federal Circuit Rule 36. The Court rejected the patent holder's argument that rulings upheld by summary affirmance should not be afforded preclusive effect in the case against Airlite. The patent at issue related to insulated concrete forms used to make energy efficient concrete buildings.

Banner & Witcoff attorneys Jon Nelson and Louis DiSanto represented Airlite.

Click [here](#) to read the opinion.

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