



District Court Grants Summary Judgment of Non-Infringement in Favor of Firm Client Airlite Plastics Co.

Banner & Witcoff client Airlite Plastics Co. has prevailed in defense of a patent infringement claim asserted by Phil-Insul Corp (d/b/a IntegraSpec) in the U.S. District Court for the District of Nebraska. The patent at issue relates to insulated concrete forms used to make energy efficient concrete buildings.

The district court granted summary judgment of non-infringement based on the preclusive effect of prior rulings against the patent holder in a previous litigation. The patent holder had originally sought to join Airlite in previous litigation. Airlite opposed the joinder and earned a stay of its case while the previous litigation proceeded through claim construction and appeal and while the patent underwent reexamination. The previous litigation and reexamination resulted in rulings unfavorable to the patent holder that Airlite applied in its case to preclude the patent holder's infringement claim.

Banner & Witcoff attorneys Jon Nelson and Louis DiSanto represented Airlite Plastics with the support of William C. Brown and Matthew F. Heffron of Brown & Brown of Omaha, Neb.

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