

(Unpublished) Padco Inc. v. Newell Companies Inc. (CA FC) 13 USPQ2d 1617

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Padco Inc. v. Newell Companies Inc.

U.S. Court of Appeals Federal Circuit

13 USPQ2d 1617

Decided May 11, 1989

Nos. 88-1584, -1585

Unpublished Opinion

Headnotes

REMEDIES

1. Monetary - Damages - Patents - Lost profits (§ 510.0507.05)

Monetary - Attorney's fees; costs - Patents (§ 510.0905)

Federal district court's final judgment modifying injunction and awarding plaintiff attorney's fees, disbursements and supplementary profits is affirmed in all respects.

Particular patents - General and mechanical - Paint rollers

4,254,529, Cooke, paint-applying roller frame with paint drip catching shield, decision modifying

injunction prohibiting infringement, and awarding plaintiff attorney's fees, disbursements and supplemental profits, affirmed.

Particular patents - Designs - Paint rollers

262,075, Cooke, combined paint applicator and roller therefor, decision modifying injunction prohibiting infringement, and awarding plaintiff attorney's fees, disbursements and supplemental profits, affirmed.

Case History and Disposition:

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Appeal from the U.S. District Court for the Eastern District of Wisconsin, Warren, J.; 13 USPQ2d 1607 .

Action by Padco Inc. against Newell Companies Inc. and EZ Paint Corp., for patent infringement. From final judgment modifying permanent injunction prohibiting defendants' infringement of plaintiff's patents and awarding plaintiff attorney's fees, disbursements and supplemental profits, plaintiff appeals to extent federal district court denied plaintiff recovery of EZ Paint's profits under 35 USC 289, and defendants cross-appeal. Affirmed; cross-appeal dismissed as moot.

Attorneys:

Alan G. Carlson, Timothy R. Conrad, and Mark D. Schuman, of Merchant, Gould, Smith, Edell, Welter & Schmidt, Minneapolis, Minn., for plaintiff-appellant.

James G. Staples, of Baker & McKenzie, Chicago, Ill.; Geoffrey R. Myers, of Shlesinger & Myers, Potomac, Md., for defendants/cross-appellants.

Judge:

Before Markey, chief judge, Skelton, senior circuit judge, and Newman, circuit judge.

[Unpublished Opinion] Opinion Text

Opinion By:

Per curiam.

[Unpublished Opinion] [1] Padco, Inc. appeals the final judgment of the United States District Court for the Eastern District of Wisconsin, following rulings in Padco's favor on issues of infringement, damages, willful infringement, and the award of attorney fees, to the extent that the district court denied Padco recovery of EZ Paint's profits under 35 U.S.C. §289.

[Unpublished Opinion] The judgment is *affirmed* in all respects. The cross-appeal is *dismissed* as moot.

- End of Case -