

THOUGHT LEADERSHIP

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Husch Blackwell Secures Second PTAB Victory This Week

Husch Blackwell successfully represented Admar International, Inc. as patent owner before the Patent Trial and Appeal Board (PTAB) of the U.S. Patent and Trademark Office in connection with an *inter partes* review (IPR) petition initiated by Jackel International Ltd. and Mayborn USA, Inc. The petitioners sought to invalidate an Admar patent (U.S. Patent 8,695,841 B2) that protected the company's proprietary designs for no-spill sippy cup lids, alleging that each of the patent's 14 claims were unpatentable. Although the parties terminated a co-pending patent infringement lawsuit filed by Admar against Jackel and Mayborn while the IPR was in process, the IPR proceeding was contested to its conclusion.

A key issue in the dispute was whether drip-resistant nipple assemblies for baby bottles in the prior art invalidated claims reciting a no-spill sippy cup lid having a spout. The Husch Blackwell team countered the petition and prevailed, convincing the panel that the claim term "spout" does not encompass a baby bottle nipple. As a result, in its Final Written Decision, PTAB ruled that the petitioners had "not demonstrated by a preponderance of the evidence" that any claim of the patent-in-trial was unpatentable on the alleged grounds of obviousness, handing Admar a complete victory.

The victory was the second positive result before PTAB this week for Admar and its sister company Love N' Care Ltd. (LNC), a leading manufacturer and distributor of baby accessories. Earlier, PTAB ruled in favor of LNC as petitioner in an IPR relating to U.S. Patent 8,739,993 B2. This latest result, where Admar prevailed as patent owner, is notable due to the relative infrequency with which patent owners have received favorable results before PTAB.

The Husch Blackwell team included Edward Manzo, Erik Flom, George Pavlik, Rachael Casey, and Cameron Clawson.