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Husch Blackwell Prevails in Post-Grant Proceeding Before PTAB

Husch Blackwell successfully petitioned the Patent Trial and Appeal Board (PTAB) of the U.S. Patent and Trademark Office on behalf of Luv N' Care, Ltd., a leading manufacturer and distributor of baby accessories, in connection with a patent dispute relating to leak-proof product designs for drinking containers. The Husch Blackwell team challenged a patent held by Munchkin, Inc. that purported to disclose designs concerning "a spillproof container assembly that provides guidance to consumers as to the proper degree of tightening between the lid and the container body." The Husch Blackwell petition sought an *inter partes* review as to the patentability of all claims of the patent-in-suit (U.S. Patent 8,739,993 B2).

The PTAB challenge was prompted by Munchkin's allegations of patent infringement against Luv N' Care brought in a lawsuit filed in U.S. District Court, Central District of California, where Munchkin alleged that Luv N' Care's CLIK-IT line of drinking containers infringed its '993 Patent.

Luv N' Care successfully stayed the patent infringement lawsuit after Husch Blackwell initiated post-grant proceedings before PTAB to challenge the validity of the '993 Patent on the grounds of anticipation by prior art and obviousness. In its Final Written Decision, PTAB completely vindicated the Husch Blackwell position, holding that all of the patent's claims are invalid and unpatentable. Furthermore, the Board denied Munchkin's Motion to Amend, providing Luv N' Care with a complete victory in the proceeding. The Board's decision is subject to appeal before the Federal Circuit.

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