

BARTLIT BECK AND SKIERMONT DERBY WIN \$5.9 MM PLAINTIFF'S PATENT VERDICT AGAINST SEARS AND APEX TOOL GROUP.



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Bartlit Beck lawyers Jason Peltz, Asha Spencer, and Jeannie Tinkham teamed up with Dallas firm Skiermont Derby to win a patent infringement verdict for Chicago-based LoggerHead Tools.

LoggerHead's owner, Dan Brown, invented the award-winning Bionic Wrench in 2005. The Bionic Wrench was an immediate success and won numerous design innovation awards. Brown is committed to an American-made business model and manufactures the Bionic Wrench in the U.S.

After Sears sold the Bionic Wrench in its stores for several years, Sears and Apex Tool Group developed a Bionic wrench "knock-off" that they sold under the Craftsman brand. LoggerHead filed suit in the Northern District of Illinois.

Last week, after a one-week trial, a jury found that Sears and Apex infringed LoggerHead's patents and the patents were valid, awarding \$5.9 million. The next day, at a second phase of the trial, LoggerHead introduced evidence of the defendants' deliberate copying of LoggerHead's patents. The jury again sided with LoggerHead, returning a verdict of willful infringement against both Sears and Apex. LoggerHead will petition the court to enhance damages and will also seek prejudgment interest, attorneys' fees, and a permanent injunction forbidding future sales of infringing products.

In addition to Peltz, Spencer, and Tinkham of Bartlit Beck, Paul Skiermont, Sadaf Abdullah, and Sarah Spires of Skiermont Derby represented LoggerHead at trial.

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