

# DAILY REPORT

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## Patent Lawyers Score Win for Velcro Companies in Rare Georgia Courtroom Drama

The decision was the first patent jury verdict in U.S. District Court for the Middle District of Georgia since 2001.

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THE BIGGEST NEWS from a recent Velcro Companies IP victory might not be who won but that a bunch of patent lawyers were in court at all.

The winning legal team from Fish & Richardson said in a news release Wednesday that it was the first patent jury verdict in U.S. District Court for the Middle District of Georgia since 2001.

“It is not the rule, of course, for patent cases to go to trial,” Fish principal Christopher Green of Atlanta, who led the legal team for the Velcro Companies, said in an interview late Wednesday.

Patent cases are technical, complicated, time consuming



Principals Chris Green and Thad Kodish presented the Velcro Companies' case and witnesses at trial.

and expensive to litigate. But the Fish & Richardson team has been involved in a number of those that have gone all the way.

“We’re glad to be among the few lawyers that have had that experience,” Thad Kodish said in an interview Wednesday. Along with Green and Kodish, the team included

Frank Scherkenbach, Jacqueline Tio, Sara Fish, and Bailey Benedict.

Because of the nature of a dispute over trade secrets, much of the evidence presented when they do go to trial is under seal or otherwise restricted.

“We’d love to impart our most brilliant ‘Perry Mason’ moments,” Kodish said. “But a



Sara Fish (from left), Thad Kodish, Christopher Green and Jacqueline Tio of Fish & Richardson in Atlanta represented the Velcro Companies.

lot of them are under very severe protective orders.”

As far as highly technical IP cases go, it could have been worse.

“On the continuum of complexity of patent cases,” Green said, “this one was somewhere in the middle.”

The weeklong trial before Judge Leslie Abrams concluded more than four years of litigation. The case goes back to August 2013 when YKK Corp. sued Velcro

Companies—the original inventor of hook and loop fasteners—for patent infringement. YKK sought an injunction to remove VELCRO® Brand fasteners 4Gi and MH4 hook from the transportation market. The products are used in cars with fabric or leather seat covers. Fish & Richardson said it was a large market at risk.

“Velcro Companies is built on innovation and they understand and

respect intellectual property rights,” Green said. “We were confident that Velcro Companies did not infringe YKK’s patent and the jury agreed.”

The jury delivered a verdict in Velcro Companies favor on multiple claims Nov. 17, according to a partial trial transcript.

“Our company invented hook and loop fastener technology,” Velcro Companies CEO Fraser Cameron said in the news release. “We continue to develop versatile and commercially viable fastening solutions. We have worked tirelessly to protect our intellectual property, including preserving our strong recognizable VELCRO® Brand for hook and loop fasteners. We strongly believe in ethical conduct and respect the value of intellectual property, and we will continue to rigorously defend the IP and trademarks for our VELCRO® Brand products around the globe.”

YKK’s legal team included David Reed of Kilpatrick Townsend & Stockton. Reed could not be reached immediately

The case is *YKK Corporation et al v. Velcro Companies USA Inc.* (Middle District of Georgia), No. 5:13-cv-00306-LJA. ®

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