Thompson & Knight Client Obtains Judgment as a Matter of Law in Eastern District of Texas Patent Case

Tuesday, April 21, 2009

Texas – Thompson & Knight LLP is pleased to report a trial victory for its client Protection One, one of the defendants in Paradox et al. v. ADT et al., Case Number 2:06-cv-00462, in the U.S. District Court for the Eastern District of Texas. The suit, originally filed in November 2006, alleged infringement of U.S. Patent Number RE 39,406, by the manufacture, sale, and use of certain alarm control panels manufactured by DSC and monitored by Protection One, Monitronics, and ADT.

During the second day of trial, Thompson & Knight Partner Max Ciccarelli, together with counsel for Monitronics, argued that the report of the plaintiffs' infringement expert did not adequately support the plaintiffs' infringement allegations against the monitoring defendants. As a result, Judge T. John Ward precluded the plaintiffs' expert from testifying about infringement by Protection One and the other monitoring defendants. When the plaintiffs rested the next day, Judge Ward granted the monitoring defendants' motion for judgment as a matter of law of non-infringement.

"We are delighted with the result," Ciccarelli said, "and although we are confident that the jury would have ultimately reached the same conclusion, it was great to obtain a victory for Protection One in this manner."

Eric Griffin, Protection One's General Counsel, expressed his satisfaction with the Court’s ruling when he noted that "the company is very pleased with this exceptional result and with how it was accomplished by Max and the other members of the team."

The Thompson & Knight team included Max Ciccarelli, Jane Politz Brandt, J. Michael Heinlen, and Emily A. Miskel.

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