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

Tuesday, April 21, 2009



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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**.

About Thompson & Knight

Since 1887, Thompson & Knight LLP has consistently made a positive impact on its clients' successes. The Firm has extensive resources in litigation, intellectual property, tax, real estate, corporate and securities, insolvency, and international energy matters. The Firm has approximately 420 attorneys and has offices and alliances in North America, South America, Europe, and Africa. Thompson & Knight represents companies, government entities, and individuals in local, regional, and national markets around the world.

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