

Haynes and Boone Helps Colorado Client Obtain ITC Orders Against Patent Infringers

April 25, 2018 Robert Ziemian

PRACTICES Patents, Patent Prosecution and Counseling, Intellectual Property

A Haynes Boone team led by Denver Partner [Robert Ziemian](#) helped a firm client, Nite Ize, Inc., (Nite Ize) secure a General Exclusion Order (GEO) from the International Trade Commission (ITC) excluding from importation all products covered by certain Nite Ize patents related to their Steelie ecosystem of hands-free mobile device mounts. Additionally, the ITC issued 16 specific exclusion orders against primarily Chinese companies, preventing them from importing knockoff mobile device holders into the United States.

The GEO issued by the ITC became final in April, barring the Chinese-made products that infringe Nite Ize's patents from being imported. The order directs the U.S. Customs and Border Protection Agency to prevent the products from entering the United States. The ITC also issued cease and desist orders against the importers of infringing products.

Nite Ize, based in Boulder, Colorado, designs and sells online a wide variety of products, including the popular Steelie line of phone holders and mounts that were knocked-off. Overseas manufacturers were attempting to undercut Nite Ize by selling the knockoffs online.

"Companies like Nite Ize, often find it difficult to combat knockoffs imported by overseas companies that are difficult to track, so an ITC order stopping the products at the border is a more effective solution than suing the infringers individually," Ziemian said.

The ITC's action resulted from a 15-month investigation and litigation process that included arguments before an Administrative Law Judge who found in favor of Nite Ize. The ITC published the order in February, and it became final after a 60-day waiting period. Haynes Boone Associate Michael Goodman also worked on the case.

In a press release, Nite Ize Chief Legal Officer Clint Todd said: "With the growth of enormous digital marketplaces, intellectual property infringement by foreign entities is becoming a critical issue for product manufacturers in the U.S., and not many viable options remain. This general exclusion order will be a powerful tool in our fight to stop the wave of knockoffs from abroad."

Haynes Boone's Denver-based Intellectual Property lawyers represent companies seeking to build and protect their portfolios and defend against the IP suits of others; investors and lenders deploying capital to companies in various growth stages; and parties entering into critical IP licensing agreements. Our lawyers have advanced science degrees and practical experience working with and for companies developing new products and pushing boundaries. The IP team has counseled clients in the consumer product, biotechnology, medical device, healthcare, telecom, e-commerce, software and energy sectors.

Multiple news outlets reported the win, including the following:

[Law360](#) (Subscription required)

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