

Patent Lawsuit - Court of Appeals decision

TAL Apparel Ltd welcomed the United States Court of Appeals for the Federal Circuit's latest decision, which vacated the ruling by the Federal District Court in Seattle that the company had committed an act of inequitable conduct in the prosecution of U.S. Patent Number 5,568,779. The Federal Circuit also vacated the order awarding attorneys' fees.

The '779 patent covers TAL's unique pucker-free garment seam that creates a tailored, wrinkle-free appearance. The seam uses an adhesive and eliminates the puckering associated with the shrinkage of sewing thread.

TAL also intends to file a request for rehearing with the U.S. Court of Appeals on one aspect of the decision, namely, the validity of Claim 18 of the '779 patent. The Federal District Court in Seattle had earlier held Claim 18, which describes a method of forming the patented seam, invalid. TAL believes that material misunderstandings of the evidence led the Court to this conclusion. Accordingly, TAL will file a request for a rehearing in order to clarify the Court's understanding and seek reinstatement of Claim 18.