



## The Voice

### And The Defense Wins

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**Joseph R. Marconi, Victor J. Pioli, Peter R. Ryndak and M. Miles Sukovic**



In a major defense jury verdict in Chicago federal court on June 24, 2016, **Johnson & Bell's** Commercial Litigation team of [Joseph R. Marconi](#), [Victor J. Pioli](#), [Peter R. Ryndak](#) and [M. Miles Sukovic](#) successfully defended Crimson AV, LLC against charges of patent infringement and misappropriation of trade secrets. In a case tried

to a jury and presided over by Judge Joan H. Lefkow, Johnson & Bell represented Crimson AV, a small manufacturer and distributor of television wall mounts based in Glenview, Illinois, that was sued by Peerless Industries, Inc. Peerless Industries claimed that Crimson AV's wall mount design infringed its patent and further claimed that the company had misappropriated its trade secrets obtained while Crimson AV's Chinese supplier had previously served as a manufacturer for Peerless Industries. The Johnson & Bell trial team had to overcome a prior ruling by the court that Crimson AV's products infringed the plaintiff's patent, leaving Johnson & Bell to prove that the plaintiff's patent was invalid. In addition, the court entered a discovery sanction against Crimson AV that shifted the burden of proof on the trade secrets claim. After two weeks of trial, the jury deliberated for two days and returned a verdict finding the patent invalid and finding no trade secrets were at issue. Peerless Industries sought over \$4 million in damages plus fees. Peerless Industries was represented by Foley & Lardner.

"We faced a daunting challenge to win this case given the court's prior ruling and the discovery sanction against our client," stated Joseph R. Marconi, a shareholder at Johnson & Bell, Ltd., and the lead trial attorney. "We simply presented a more compelling case that the jury obviously understood, believed and agreed with. It's a great outcome for Crimson AV," he said.

The Johnson & Bell trial team worked closely with Jacques M. Dulin throughout the preparation of its case and trial. Mr. Dulin is a patent attorney and managing member of Innovation Law Group, Ltd., located in Sequim, Washington. He played an instrumental role in the process of invalidating Peerless Industries' patent.

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