



Client: A Major Equipment Company

Project: Defend Against a Charge of Patent Violation

Services Provided:

- Identify and testify to prior technology which would render the Patent unenforceable

Type of Company:

Decades-old business selling engineered wastewater equipment (anonymity requested). The company has existed for over 30 years and sold wastewater products in many countries. It had been expanding its product range by offering a mixing system based on its proprietary technology. Operating installations were effective: relatively low-tech, low-maintenance, and low-cost – a quite successful product using proven technology in an efficient configuration. So they were surprised when they received a Cease-and-Desist order from a competitor with a Patent Infringement claim.

Wastewater Experts, Inc. was hired to analyze the technology, assess the Infringement Claim, draft a response to the Cease-and-Desist letter, and defend the company through the litigation process in court.

Our review of the Claims revealed that the patent in question should never have been granted for several reasons:

1. The claims were based on technologies that were already in the public realm at the time of application.
2. The claims were similar to claims in existing patents, long since expired.
3. The claims were made to look different from prior art by drawings which distorted operational results and presented a hydro-dynamic condition that could never be achieved in reality.

Wastewater Experts proceeded to identify the prior-art patents and provide examples of public installations incorporating those technologies. These results were summarized in a report. *Wastewater Experts* testified in court and proved the prior art basis for patent invalidation. The settlement decree prevents disclosure of further details.

