

ShieldMark Inc. Wins Years-Long Patent and False Advertising Litigation Case

The family-based company is pleased by the favorable rulings and is eager to continue its rapid expansion as a leader in the safety and floor marking industry.

CLEVELAND, OHIO, UNITED STATES, April 27, 2023 /EINPresswire.com/ -- [ShieldMark Inc.](#), a leading provider of Mighty Line heavy duty [industrial floor marking and safety solutions](#), announces it has won a four-year-long patent and false advertising litigation case – a verdict that enables the family-based company to continue its remarkable growth as a leader in the floor marking and safety industry.

On April 21, 2023, the United States District Court for the Northern District of Ohio entered final judgment for ShieldMark, Inc. on all claims in Case No. 19-cv-748. The case was originally filed in February 2019 by Clifford A. Lowe and the business now known as Spota LLC, a North Carolina limited liability company. The judgement indicated a finding of bad faith and litigation misconduct by Lowe and Spota LLC, who filed claims for infringement of U.S. Patent No. 10,214,664, in addition to false advertising under the Lanham Act.

In the ruling, the district court ordered Lowe and Spota to pay \$218,515 to ShieldMark for legal fees and expenses, citing that they acted in bad faith and engaged in litigation misconduct. According to the court, they “blatantly misrepresented that Lowe is the exclusive owner of all rights, title and interest in the ‘664 patent” and that Spota “is an exclusive licensee under the ‘664 patent” in their amended complaint filed in May 2022, even though their rights to the patent and been sold and irrevocably transferred to another organization on December 16, 2021. The court also described additional misconduct by Lowe and Spota in the decision.

This recent decision followed previous rulings by the district court in ShieldMark’s favor. During the litigation, on August 23, 2022, the court decided that ‘664 patent issued to Lowe was invalid because it was based on prior art.’ The court explained that every element of Lowe’s ‘664 patent existed in an earlier patent (U.S Patent 6,120,395) issued to a different inventor (Dorenbusch). The court also found that Lowe and Spota lacked standing to sue ShieldMark because they sold and irrevocably transferred rights to the invalidated ‘664 patent to third party while the case was pending.’

The district court summarily granted judgment for ShieldMark on the Lanham Act claims in a separate decision on March 16, 2023. Lanham Act liability arises if advertising statements are

specifically or measurably false. Spota lost this claim as none of ShieldMark's statements were sufficiently specific or measurably false to be actionable. Spota offered no proof of any consumer deception or confusion by ShieldMark.

"ShieldMark Inc appreciates the decision and the end of this district court litigation," says Alec Goecke, Chief Operating Officer of ShieldMark. "Since 2006, ShieldMark has sold its patented [Mighty Line® floor marking tape products](#) in the United States and throughout the world. Our products contribute to safety and efficiency in warehouses, factories and workplaces. We are proud of our innovations and our dedicated and growing team of Mighty Line® distributors and dealers. ShieldMark Inc. looks forward to continuing to grow our Mighty Line brand and helping our customers."

For more information about ShieldMark and the Mighty Line floor tape products, please visit <https://mightylinetape.com>.

About the Company

ShieldMark is a leading provider of industrial floor marking and safety solutions, including Mighty Line floor tape, Mighty Line floor signs and 5s shapes and clear label protectors. Mighty Line products are made in the USA and are used around the world to create more efficient, productive and safe workplaces.

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