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Erise, Husch Blackwell team up to prove Midwest firms can handle trade cases



Adam Seitz is co-founding partner for Overland Park-based Erise IP.

BY JAMES DORNBROOK
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Trade disputes heard by the U.S. International Trade Commission (ITC) are typically the realm of huge, expensive law firms on the East Coast, but Kansas City-area firms are proving it doesn't have to be that way.

The most recent victory came from a pairing of Adam Seitz and Michelle Marriott, both with Overland Park-based Erise IP PA, and Beau Jackson of Kansas City-based law firm Husch Blackwell LLP. They won a huge victory in March for two related entities – The Ergo Baby Carrier Inc. and New Baby Tula LLC – in front of the ITC in Washington.

A Boulder, Colo.-based competitor called Lillebaby LLC filed a complaint with the ITC, arguing that Hawaii-based Ergo and San Diego-based Tula were importing baby carriers that infringed on their patents. If Lillebaby had won the case, Ergo and Tula would have been banned from importing their products or selling inventory already inside the U.S.

“The damages can be significant in these cases, from the standpoint of having your entire supply line shut off,” Seitz said. “If Lillebaby had won this, they’d be one of the only parties in the U.S. to supply a certain type of baby carrier. So (an ITC case) is a pretty big hammer to use if you want to get rid of your competition.”

The three local lawyers won the case by proving Lillebaby’s patent wasn’t valid. Specifically, they proved to the ITC judge that the original inventor was a Norwegian citizen who put her husband, an American citizen, on the patents to make them stronger and more valuable. By falsely

adding her husband to the patents, she hid information from the U.S. patent office, committing an offense called inequitable conduct, which invalidates the patent.

Jackson, a partner in the Kansas City office of Husch Blackwell, said this was the sixth case that he has represented in front of the ITC in the past two years, including two for Kansas City-area companies. One of those was a win for Lenexa-based Sizewise Rentals LLC, where Jackson teamed up with attorneys at Kansas City-based Spencer Fane LLP. In 2010, Jackson worked with Seitz and others to achieve a big win for Olathe-based technology company Garmin Ltd.

“We’re proving that firms from Kansas City can team up and compete with the biggest and best firms on the coast and defeat them,” Jackson said. “What we’ve been able to do is jump into that pond and say we can provide top-notch ITC representation with much greater value and efficiency than you’ll get from a D.C. or New York firm.”



Michelle Marriott is a shareholder in Erise IP PA.



Beau Jackson is a trade and intellectual property partner at Husch Blackwell LLP in Kansas City.