

## SharkNinja Cleans Up Over Dyson

***This win is one of the most significant in U.S. history for a design patent case.***

Vacuum and appliance manufacturer Dyson voluntarily dismissed its appeal to the U.S. Court of Appeals for the Federal Circuit on July 30, 2018, after SharkNinja successfully defended Dyson's claim of infringement on three asserted design patents, ending a case that began more than four years ago. SharkNinja's win is among the largest design patent defense wins ever.

Dyson originally sued SharkNinja for infringement on February 4, 2014, in the U.S. District Court for the Northern District of Illinois. Dyson accused the popular Shark Rocket line of stick vacuums of infringing three U.S. patents (Nos. D577,163, D668,010, and D668,823). Exemplary comparisons are shown below.



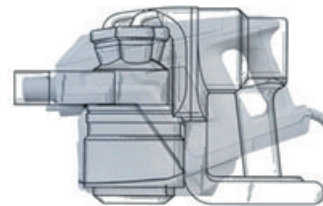
*U.S. Patent No. D668,010*



*Accused Shark Rocket HV320*

Dyson sought \$200 million in damages plus a broad injunction, making this case one of only three design patent infringement cases in U.S. history with more than \$100 million at stake.

On March 29, 2018, Judge Robert M. Dow granted SharkNinja's summary judgment motion. In a 64-page opinion, Judge Dow explained how to assess the non-functional scope of a design patent and then, how to evaluate whether a challenged design is "plainly dissimilar" and non-infringing for summary judgment purposes.



He held that, even "viewing the undisputed facts in the light most favorable to Dyson, the Shark Rockets have a substantially different overall ornamental appearance than the Asserted Patents." He also rejected Dyson's theory that "overall shape similarity" could support infringement and instead focused on key ornamental design features depicted in the drawings.

At the proper level of granularity, the images used by Dyson's expert to suggest overall similarity (shown above) had the opposite effect of highlighting their differences.

Now that Dyson has dismissed the appeal, Judge Dow's opinion will remain undisturbed. The opinion includes illustrative images from the case law and provides thoughtful guidance in this murky area of law.

*SharkNinja was represented by Jones Day's John Froemming (Washington), David Witcoff (Chicago), John Evans (Cleveland), Tracy Stitt (Washington), and Patrick O'Rear (Chicago).*



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