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Tampa Law Firm Wins Precedent-Setting Judgment in Patent Infringement Case

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March 15, 2014 / Tampa, Fla. — Tampa lawyer Ron Christaldi of Shumaker, Loop & Kendrick, LLP (SLK) scored a major victory for a Tampa Bay business on March 6, when a federal judge awarded St. Petersburg's ALPS South $15.5 million in damages in a patent infringement case. The judgment is one of the largest of its kind in the region in the past decade, with additional penalties likely to come when a related case goes to trial.

Founder Dr. Aldo Laghi moved his company ALPS South to St. Petersburg, Fla., in 1994, and quickly became an international industry leader in designing and manufacturing prosthetic liners, the gel suspension and cushioning interface between a prosthesis and the residual limb. The company—which operates two St. Petersburg manufacturing facilities and does business in almost 50 countries—has also developed innovative electrical interfaces that pick up neural signals that allow amputees to more intuitively manipulate their prostheses.

ALPS was first targeted by a competitor in late 2004, when that company accused ALPS of patent infringement. The lawsuit threatened ALPS' very existence, but Laghi, knowing the company had properly respected other companies' patents, chose to fight rather than settle, and enlisted Shumaker, Loop & Kendrick attorney Ronald A. Christaldi to guide its defense.

Christaldi, Chair Elect of the Greater Tampa Chamber of Commerce, is the Co-Chair of the Health Care Practice group in the Tampa, Florida SLK office. A Board Certified Health Lawyer, Christaldi has also been named one of the Top 100 Lawyers in Florida by *Florida Super Lawyers* magazine and was recognized as one of the Best Lawyers in America and selected Florida Legal Elite by *Florida Trend* magazine.

In the Alps matters, Christaldi turned the tables, using a defense known as inequitable conduct in an attempt to show that the competitor had fraudulently obtained the patents it was suing over. But Christaldi and ALPS faced significant hurdles in mounting that defense—most dauntingly, recent federal judicial precedent that

set new, higher standards for proving inequitable conduct.

“We argued it nevertheless,” says Christaldi, “and we won.”

While U.S. District Court Judge Gregory L. Frost originally ruled against ALPS’ claim of inequitable conduct, a three-judge appeals panel later overturned that decision. ALPS also triumphed in a suit filed in Tampa’s U.S. District Court. The jury in that case sided with ALPS and awarded the company $4 million in damages, an amount later doubled by Judge Mary S. Scriven. Overall, ALPS was awarded $15.5 million, plus attorneys’ fees—and with more litigation pending, ALPS could potentially win even greater awards.

“This case represents a triumph for a Tampa Bay business that is making major contributions to our community,” says Christaldi. “Aldo Laghi is a self-made businessman who holds more than 50 patents. Companies like his should be free to innovate, without having to worry about baseless lawsuits.”

While fighting the case, ALPS was forced to largely put its research and development programs on hold. Since the judgment, the company has hired 20 new employees and is now free to return to business as usual.

“At ALPS, we knit our own fabrics, mix our own polymers, machine our own metal and injection-mold our own elastomers,” says Laghi. “Controlling every step of the process allows us to supply the highest-quality product in our industry. We’re happy to be able to now focus on making our products even better.”

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Shumaker, Loop & Kendrick, LLP is a full-service business law firm with more than 225 lawyers, 55 paralegals and 475 employees in five offices: Toledo and Columbus, Ohio; Tampa and Sarasota, Florida.; and Charlotte, North Carolina.

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