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Indiana Brace Co. Kneels to ERMI in $500k Patent Infringement Judgment

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CHARLOTTE, NC – Atlanta based ERMI LLC scored a major victory over rival Indiana Brace Co. and its Owner Clyde Peach, Jr., when Senior U.S. District Court Judge Sarah Evans Barker entered Judgment against Indiana Brace and Clyde Peach for $500,000, resulting from willful patent infringement and patent false marking. The Judgment was entered by the Court on February 27, 2020 and ERMI filed the satisfaction of judgment March 27, 2020.

In its Complaint, ERMI alleged that Indiana Brace knew of ERMI's US Patent No. 6,669,660 directed to a knee rehabilitation device and nevertheless, continued to infringe over a period of six years. At the same time, Indiana Brace advertised to the public that its infringing knee device was "patent pending" when, in fact, Indiana Brace had abandoned its patent efforts many years ago in part due to ERMI's earlier issued '660 Patent. The ERMI '660 Patent was cited during prosecution of Indiana Brace's now-abandoned patent application.

ERMI's patented product is the ERMI Knee Extensionater® device, which "is a device that increases passive knee extension through the use of a three-point bending system."[1]

The case is *ERMI LLC v. Clyde Peach*, Jr. d/b/a Indiana Brace Co Inc., d/b/a Clyde Peach LLC, d/b/a Peach Medical LLC 1:19-cv-04628-SEB-TAB (S.D. Ind. 2019). ERMI is represented in this case by Alex Long, Patrick Horne, Christy Trimmer, and Mike Dockins of Shumaker, Loop & Kendrick, LLP.

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[1]https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2964642/

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