

Winston & Strawn Successfully Defends Amcorr Products and Services and Dolphin Sealants in Patent Case

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Winston & Strawn clients Amcorr Products and Services, Inc. (“Amcorr”) and Dolphin Sealants, LLC (“Dolphin”) (collectively, Amcorr Dolphin) were granted summary judgment of non-infringement in a patent lawsuit brought against them by Stopaq BV and Frans Nooren Afdichtingssystemen BV (collectively, “Stopaq”). Judge Lynn N. Hughes of the U.S. District Court for the Southern District of Texas ruled that the viscoelastic coating materials distributed by Amcorr and Dolphin do not infringe Stopaq’s patent, and entered a final judgment that Stopaq take nothing on its patent infringement and other claims.

Stopaq moved for summary judgment of infringement on U.S. Patent No. 5,898,044, and Amcorr Dolphin cross-moved for summary judgment of non-infringement. The court held a one-day evidentiary hearing during which experts testified and were cross-examined. In its written opinion, the court ruled that, “Nooren’s patent is limited to a mixture of multiple fractions from one material, each fraction having a different particle size distribution.” It also determined that Amcorr Dolphin’s “filler materials – calcium carbonate and aluminum trihydrate – have unimodal particle distributions and are not covered by Nooren’s patent.” The Court also found that polypropylene as used in Amcorr Dolphin’s products is not a filler and therefore does not infringe.

Based on this ruling and prior concessions by Stopaq, the final judgment entered against Stopaq ends its U.S. case brought against Amcorr and Dolphin, allowing Winston & Strawn’s clients to go forward with VISCOTAQ® and HIPPO PATCH® products in the marketplace.

Winston & Strawn’s team was led by Houston-based partner and associate [Dustin Edwards](#).

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