

# **LoggerHead Tools Wins David vs. Goliath Patent Infringement Battle Against Sears Holdings Corp. and Apex Tool Group**

Chicago, IL – May 15, 2017– On Friday, May 12, LoggerHead Tools LLC prevailed in its patent infringement jury trial against Sears Holdings Corporation and Apex Tool Group in the Northern District of Illinois. A Chicago jury found that Sears and Apex willfully infringed all of the asserted claims of LoggerHead’s patents and that each of those claims is valid. The Honorable Rebecca Pallmeyer presided over the 8-day jury trial that started on May 3, 2017. The jury awarded LoggerHead past damages in the amount of \$5,979,616. The jury further found that both Sears and Apex willfully infringed LoggerHead’s patents, and based on that finding LoggerHead will petition the Court to enhance damages up to three times the amount of past damages against both Sears and Apex, and will also seek prejudgment interest, attorneys’ fees, and a permanent injunction forbidding future sales of infringing products.

LoggerHead filed its lawsuit in October 2012, alleging that Sears and Apex willfully infringed Loggerhead’s U.S. Patent Nos. 6,889,579 and 7,992,470. LoggerHead filed suit shortly after a LoggerHead customer informed the company that he had seen a “knock-off” of LoggerHead’s Bionic Wrench® product in a Sears store. Dan Brown Sr., the President and founder of Loggerhead Tools and inventor of the Bionic Wrench patents, stated, “This was a David vs. Goliath case. Two corporate giants, Sears and Apex Tool Group, worked together to steal something that was not theirs. Today justice was served; this is a big win for LoggerHead Tools and a big win for small inventors and small business.”

In 2005, LoggerHead received its first patent and began selling the Bionic Wrench. LoggerHead spent significant resources developing the tool and protecting its American Made business model. The Bionic Wrench combines the ease and adjustability of pliers with the performance of a wrench. This case is the culmination of nearly five years of intense and expensive litigation by LoggerHead to protect its rights to that invention.

Commenting on nearly 5 years of litigation, Mr. Brown Sr. said, “It takes a tremendous amount of money and time to go through this process and those without the resources simply lose by default. The inability to fund this process inhibits a patent owner’s ability to protect their rights. What is unique about our case is that Paul J. Skiermont, and his law firm Skiermont Derby LLP, was willing to take our case on an alternative fee basis. Mr. Skiermont also brought on his former partners at Bartlit Beck Herman Palenchar & Scott LLP to assist with the jury trial, and we are very fortunate to have worked with such a great team, who believed in our case. Together we had our day in court.”

Mr. Brown Sr. stated, “My mother was a real go getter in life, and she always told me that if you believe in something deeply you must stand up strongly for it, and never, ever give up. I think she would be proud of us today and how we defended our dignity, our rights, and the rights of other small inventors everywhere, and how we protected our American Made business model.

We look forward to continuing to grow an innovative American Made tool company, without the obstacle of infringing product confusing the marketplace.”

The lawsuit is *LoggerHead Tools LLC v. Sears Holding Corporation and Apex Tool Group, LLC*, No. 1:12-cv-09033 (N.D. Ill.).

About LoggerHead Tools LLC:

LoggerHead is a company based in the Chicago area and founded by Dan Brown Sr., who runs the company with his son Dan Brown Jr. LoggerHead Tools designs, develops, and commercializes new-to-the-world solutions in the hand tool market, with a unique commitment to an American made business model. LoggerHead’s flagship product, the Bionic Wrench®, is a patented, international award-winning design that in 2006 was one of only two US Companies to win both the iF and the Red Dot design awards—the other company was Apple for its iPod Nano. To learn more about LoggerHead, visit <http://loggerheadtools.com>.

About Skiermont Derby LLP:

Skiermont Derby LLP is a trial boutique founded in 2011 with offices in Dallas and Los Angeles. The national legal publication *Law360* recently recognized Skiermont Derby as one of the top 10 boutique practices in the U.S. that are “on par with the biggest firms.” The firm represents plaintiffs and defendants in high stakes intellectual property and commercial litigation. To learn more about Skiermont Derby LLP, visit <http://skiermontderby.com>.

About Bartlit Beck Herman Palenchar & Scott LLP:

Bartlit Beck Herman Palenchar & Scott LLP is a Chicago and Denver based litigation law firm founded in 1993. The American Lawyer magazine named the firm its litigation boutique of the year for 2009. The firm has handled high-stakes cases of all kinds, including: Accountants’ Liability, Antitrust, Class Actions, General Commercial Litigation, Hedge Fund, Private Equity, and Financial Institution Cases, Intellectual Property, General Product Liability, Pharmaceutical Product Liability, Fraud and Securities Cases, and Toxic Tort Cases. Bartlit Beck does not charge by the hour. Instead, it enters into fee agreements that reward success and efficiency on a non-hourly basis. To learn more, visit <http://bartlit-beck.com>.