

Thursday, February 16, 2006

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From the January 15, 2001 North Carolina Lawyers Weekly.

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Verdicts & Settlements

Patent Law

Plaintiff Claimed Lost Profits Under Exclusive Licensing Agreement -- Gutter Protection Invention -- Market Study -- \$4.72 Million Verdict

Brief Statement of Claim: The plaintiff, an expert in home remodeling and construction in North and South Carolina, sought to recover damages and enforce his rights under an exclusive licensing agreement with the patent holder of a product he invented called Gutter Guard and/or Gutter Protector, an invention that keeps leaves out of roof gutters.

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Principal Injuries (in order of severity): Lost profits

Special Damages: n/a

Tried or settled: Tried

County where tried or settled: Mecklenburg

Case Name and number: *Vail v.*

LaDon, Inc. and Donald William Ways Sr.(94 CvS 14736)

Date Concluded: July 31, 2000

Name of Judge: Beverly T. Beal

Amount: \$4,729,624

Insurance Carrier: n/a

Expert Witnesses and areas of expertise: n/a

Attorneys for plaintiffs: Joe Dozier, Charlotte

Other Useful Info: This matter was before the trial court on July 31, 2000 on remand under the Appeals Court's ruling in *Vail v. Anglin*, 132 N.C. App. 236, 517 S.E.2d 687, *cert denied*, 350 N.C. 851.

The plaintiff testified that he was already a dealer for Reynolds Metal and contacted them to

conduct a market study to show the market for Gutter Protector. Reynolds conducted such a study and shared the results with the plaintiff, according to his counsel.

Based on the Reynolds market study and his expertise and experience in home remodeling and construction, the plaintiff was able to determine the market for his exclusive territories in North and South Carolina, as well as provide a formula to the court for calculating damages.

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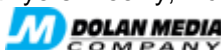
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