

Energizer's complaint gets new light

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The U.S. International Trade Commission was issued a mandate last week to act on a 3-year-old complaint filed by Energizer over a patent infringement.

Issuing the mandate was the U.S. Court of Appeals for the complaint from Energizer which alleges some 26 companies who have infringed on its mercury-free alkaline battery patent.

According to the Energizer, these companies, which range from battery manufacturers, affiliates and distributors, engaged in unfair acts related to the importation and sale of mercury-free alkaline batteries.

Nine of named battery manufacturers are located in China.

If ruled in Energizer's favor, any company in the world that manufactures mercury-free alkaline batteries is at legal risk if it imports infringed products, the company said.

"We are pleased that this case has been sent back to the ITC for review," said Michael Pophal, Senior Patent Counsel at Energizer. "By issuing this mandate, the appeals court has cleared the way for additional inquiry into whether those companies that import mercury-free alkaline batteries into the United States are doing so illegally.

"If it is indeed determined that they are doing so illegally, the ITC will then determine the appropriate remedy for that illegal activity."

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