

News

BCLP WINS SUCCESSFUL AFFIRMANCE OF PATENT RIGHTS FOR CLIENT AMERICAN WAVE MACHINES

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A team from BCLP's Technology & IP Disputes Group secured affirmance from the United States Patent and Trademark Office (USPTO) confirming key patent rights for client American Wave Machines, Inc.

American Wave Machines (AWM) makes pools that generate surfable waves that are enjoyed by both professional-level and recreational surfers. Competitor WhiteWater West Industries, Ltd. (WW), a waterpark attraction supplier and promoter of Endless Surf, attempted to invalidate four key patents held by AWM. The USPTO previously declined a request made by WW to review two of the four patents, having been convinced by the BCLP team that the challenger did not offer sufficient evidence to warrant a full review – a result attained only 29% of the time. In the recent USPTO rulings, a third patent challenged by WW has been confirmed in its entirety – a result that is achieved only about 16% of the time, and a fourth patent retains several valuable patent claims – a result that is achieved only about 18% of the time. These latest decisions further strengthen AWM's rights in sequence-based pneumatic surf technology (trademarked as PerfectSwell®).

Shortly after the most recent USPTO decisions were handed down, WW voluntarily dismissed a separate action brought in the Southern District of California also challenging the validity of the same four patents.

The BCLP team was headed by Partner **Scott Cummings**, assisted by Counsel **Matthew Sim**. Partner **Jeff Haidet** manages this client relationship. The related case in the Southern District of California was led by Partner **Tyler Goodwyn**, along with Partner **Aileen Hunter** and Associate **Ana Kim**.

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