

CIU CORP.
v.
AMERICAN POLYSTEEL LLC.
(United States District Court for the District of Montana)
00-cv-077

Action for patent infringement.

American Polysteel manufactures and sells Insulated Concrete Forms used in the building of walls for a house or commercial building. CIU Corp. owns a patent that purported to cover the forms. The suit alleges infringement by inducement to directly infringe by the distributors and building contractors that use the forms.

The technology in this case is very simple. The patent covers a wall including the ICF that is used to contain the concrete as it is poured, like conventional plywood or steel forms, and is then left in place to provide insulation. The patent was re-examined; a few claims were confirmed, while the bulk of the claims were disallowed. New claimed subject matter was added during prosecution and one defense of Polysteel is the doctrine of intervening rights.

The plaintiff was represented by William D. Hall in Potomac, Maryland.

The case was settled favorably to Polysteel in October, 2001.